

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, February 19, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Randal Giannetto – Arrived at 1:00 P.M.
Darrell Hanson
Kathryn Murphy, Vice-Chair – Arrived at 1:15 P.M.
Gary Priebe
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Lisa Davis Cook called to say she would not be attending due to a previous commitment.
Rozanne King called to say she would not be attending due to an illness in her family.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - ICCI members – 11:30 (Denial of Petition)
- Add: Appointment - Carl Knudson – 1:00 (Loyal Rue et al)
- Add: Appointment – Chuck Becker – 1:00 (Wal-Mart)
- Add: Appointment – John Crane – 1:30 (Referral to the Attorney General)
- Add: Appointment –Eric Abrams – 1:30 (Referral to the Attorney General)
- Add: Appointment – Bob Kindred – 1:30 (Referral to the Attorney General)
- Add: Appointment – Julie Hoffman – 1:30 (Referral to the Attorney General)

Motion was made by Rita Venner to approve the agenda as amended. Seconded by James Braun. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Rita Venner to approve the January 16, 2001 minutes as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Interim Director Lyle Asell said he would be leaving for a while to attend an appropriation meeting to discuss the current budget as well as FY 02. He said the Department receives approximately 15% of its budget from the General Fund which goes to fund a lot of activities in the Environmental Protection Division as well as the Parks Division so there could be some impacts yet this fiscal year and quite possibly next fiscal year. Deputy Director Larry Wilson would be sitting in during his absence.

He announced that Jeff Vonk is the new director and would be arriving on March 14th. He said he worked with Mr. Vonk for three or four years when he was the State Conservationist. He said Mr. Vonk is an excellent communicator, that has been around the nation and the world while working for NRCS. He worked in Latin America as the Regional Director and in Washington, DC as the political liaison for the NRCS so he understands the federal political process very well. Most recently he has been the State Conservationist in California. Mr. Asell said he planned to spend some time helping Mr. Vonk adjust and then he planned to return to his old job as a special assistant.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations' FY '01 second quarter financial status report by division. This report contains actual expenditure information for FY '01 through December 31, 2000. All divisions are within their general fund budgets at this time with the exception of the Parks, Recreation and Preserves Division and the Forests and Prairies Division.

Iowa Department Of Natural Resources Financial Status Report

TOTAL DEPARTMENT THROUGH DECEMBER 31, 2000	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
General Fund	\$17,842,133	\$9,036,688	\$9,323,008	(\$286,320)
Park Officer Retirements	\$0	\$0	\$0	\$0
Federal	\$15,148,046	\$7,574,023	\$5,508,094	\$2,065,929
Administration Fund	\$445,000	\$222,500	\$222,500	\$0
Conservation Fund	\$4,673,311	\$2,336,656	\$2,336,656	\$0
Other Funds	\$14,389,437	\$7,194,719	\$5,290,718	\$1,904,001
Groundwater Fund	\$3,881,415	\$1,940,708	\$1,346,613	\$594,095
Fish and Wildlife Trust Fund	\$26,183,240	\$13,091,620	\$12,761,693	\$329,927
TOTAL RESOURCES	\$82,562,582	\$41,396,913	\$36,789,281	\$4,607,632
EXPENDITURES				
Personnel	\$48,398,379	\$24,199,190	\$22,228,457	\$1,970,733
Extra Help	\$3,494,937	\$1,863,090	\$1,789,999	\$73,091
Support	\$16,125,133	\$8,062,567	\$8,723,808	(\$661,241)
Contracts	\$11,181,047	\$5,590,524	\$2,587,297	\$3,003,227
Equipment	\$3,363,086	\$1,681,543	\$1,459,720	\$221,823
TOTAL EXPENDITURES	\$82,562,582	\$41,396,913	\$36,789,281	\$4,607,632

ADMINISTRATIVE SERVICES THROUGH DECEMBER 31, 2000	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
General Fund	\$1,643,486	\$821,743	\$780,563	\$41,180
Federal	\$833,486	\$416,743	\$324,765	\$91,978
Fish and Wildlife	\$2,129,741	\$1,064,871	\$1,079,386	(\$14,516)
Groundwater Fund	\$235,004	\$117,502	\$95,346	\$22,156
REAP	\$666,337	\$333,169	\$304,701	\$28,468
Marine Fuel Tax	\$253,533	\$126,767	\$196,341	(\$69,575)
Infrastructure	\$222,765	\$111,383	\$125,616	(\$14,234)
Other	\$640,675	\$320,338	\$261,484	\$58,854

TOTAL RESOURCES	\$6,625,027	\$3,312,514	\$3,168,202	\$144,312
EXPENDITURES				
Personnel	\$4,564,990	\$2,282,495	\$2,105,649	\$176,846
Extra Help	\$205,836	\$102,918	\$91,980	\$10,938
Support	\$1,482,301	\$741,151	\$897,718	(\$156,568)
Contracts	\$40,000	\$20,000	\$3,425	\$16,575
Equipment	\$331,900	\$165,950	\$69,430	\$96,520
TOTAL EXPENDITURES	\$6,625,027	\$3,312,514	\$3,168,202	\$144,312

DIRECTOR'S OFFICE THROUGH DECEMBER 31, 2000	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
General Fund	\$682,651	\$341,326	\$328,703	\$12,623
Federal	\$542,333	\$271,167	\$220,576	\$50,591
Fish and Wildlife	\$359,830	\$179,915	\$165,399	\$14,516
Administration Fund	\$445,000	\$222,500	\$222,500	\$0
Groundwater Fund	\$130,661	\$65,331	\$39,859	\$25,472
Other	\$254,530	\$127,265	\$128,384	(\$1,119)
TOTAL RESOURCES	\$2,415,005	\$1,207,503	\$1,105,421	\$102,082
EXPENDITURES				
Personnel	\$1,332,519	\$666,260	\$607,117	\$59,143
Extra Help	\$86,799	\$43,400	\$52,437	(\$9,038)
Support	\$942,274	\$471,137	\$379,962	\$91,175
Contracts	\$0	\$0	\$0	\$0
Equipment	\$53,413	\$26,707	\$65,905	(\$39,199)
TOTAL EXPENDITURES	\$2,415,005	\$1,207,503	\$1,105,421	\$102,082

ENERGY AND GEOLOGY THROUGH DECEMBER 31, 2000	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
General Fund	\$2,004,683	\$1,002,342	\$952,799	\$49,543
Federal	\$2,983,348	\$1,491,674	\$793,352	\$698,322
Oil Overcharge	\$238,183	\$119,092	\$84,285	\$34,807
Bonding Programs	\$216,728	\$108,364	\$100,171	\$8,193
Groundwater Fund	\$243,984	\$121,992	\$116,619	\$5,373
Other	\$189,405	\$94,703	\$37,119	\$57,584
TOTAL RESOURCES	\$5,876,331	\$2,938,166	\$2,084,345	\$853,821
EXPENDITURES				
Personnel	\$3,249,972	\$1,624,986	\$1,471,689	\$153,297
Extra Help	\$36,918	\$18,459	\$5,712	\$12,747
Support	\$610,225	\$305,113	\$220,712	\$84,401
Contracts	\$1,749,070	\$874,535	\$273,895	\$600,640
Equipment	\$230,146	\$115,073	\$112,337	\$2,736
TOTAL EXPENDITURES	\$5,876,331	\$2,938,166	\$2,084,345	\$853,821

ENVIRONMENTAL	PROTECTION	FY 01	FY 01	01 BUDGET
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THROUGH DECEMBER 31, 2000	FY 01 BUDGET	BUDGET THRU DEC	ACTUAL THRU DEC	LESS ACTUAL 01
RESOURCES				
General Fund	\$5,212,753	\$2,606,377	\$2,484,243	\$122,134
Federal	\$8,591,756	\$4,295,878	\$3,259,964	\$1,035,914
Air Contaminant Fees	\$6,575,485	\$3,287,743	\$2,518,907	\$768,836
Groundwater Fund	\$678,471	\$339,236	\$252,881	\$86,355
Water Protection Fund	\$2,206,131	\$1,103,066	\$440,230	\$662,836
Operator Certification Fees	\$344,541	\$172,271	\$42,683	\$129,588
Manure Certification Program	\$77,825	\$38,913	\$19,352	\$19,561
Stormwater Permit Fees	\$564,438	\$282,219	\$221,579	\$60,640
Well Contractor Fees	\$59,714	\$29,857	\$25,339	\$4,518
Water Supply Lab. Cert. Fees	\$149,446	\$74,723	\$37,117	\$37,606
TOTAL RESOURCES	\$24,460,560	\$12,230,280	\$9,302,295	\$2,927,985
EXPENDITURES				
Personnel	\$12,126,695	\$6,063,348	\$5,497,960	\$565,388
Extra Help	\$0	\$0	\$0	\$0
Support	\$3,214,777	\$1,607,389	\$1,275,461	\$331,928
Contracts	\$8,005,052	\$4,002,526	\$2,021,266	\$1,981,260
Equipment	\$1,114,036	\$557,018	\$507,608	\$49,410
TOTAL EXPENDITURES	\$24,460,560	\$12,230,280	\$9,302,295	\$2,927,985

FISH AND WILDLIFE THROUGH DECEMBER 31, 2000	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
Fish and Wildlife Trust Fund	\$23,693,669	\$11,846,835	\$11,516,908	\$329,927
Corps Condition 5 Funds	\$388,656	\$194,328	\$169,893	\$24,435
TOTAL RESOURCES	\$24,082,325	\$12,041,163	\$11,686,801	\$354,362
EXPENDITURES				
Personnel	\$16,125,680	\$8,062,840	\$7,567,544	\$495,296
Extra Help	\$1,086,067	\$543,034	\$468,424	\$74,610
Support	\$5,217,672	\$2,608,836	\$3,070,164	(\$461,328)
Contracts	\$615,516	\$307,758	\$114,098	\$193,660
Equipment	\$1,037,390	\$518,695	\$466,571	\$52,124
TOTAL EXPENDITURES	\$24,082,325	\$12,041,163	\$11,686,801	\$354,362

FORESTRY THROUGH DECEMBER 31, 2000	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
General Fund	\$1,815,460	\$907,730	\$954,107	(\$46,377)
Federal	\$473,000	\$236,500	\$236,500	\$0
Forestry Enhancement Fund	\$304,957	\$152,479	\$135,315	\$17,164
Forestry Receipts	\$932,000	\$466,000	\$466,000	\$0
Other	\$93,500	\$46,750	\$21,756	\$24,994
TOTAL RESOURCES	\$3,618,917	\$1,809,459	\$1,813,678	(\$4,220)

EXPENDITURES				
Personnel	\$2,431,194	\$1,215,597	\$1,092,275	\$123,322
Extra Help	\$141,096	\$70,548	\$95,659	(\$25,111)
Support	\$936,509	\$468,255	\$597,409	(\$129,155)
Contracts	\$8,500	\$4,250	\$2,603	\$1,647
Equipment	\$101,618	\$50,809	\$25,732	\$25,077
TOTAL EXPENDITURES	\$3,618,917	\$1,809,459	\$1,813,678	(\$4,220)

PARKS PRESERVES AND RECREATION THROUGH DECEMBER 31, 2000				
	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
General Fund	\$6,483,100	\$3,357,172	\$3,822,593	(\$465,421)
Park Officer Retirement	\$0	\$0	\$0	\$0
Federal	\$282,364	\$141,182	\$78,090	\$63,092
Park Receipts	\$3,741,311	\$1,870,656	\$1,870,656	\$0
Infrastructure	\$127,053	\$63,527	\$33,160	\$30,367
Other	\$173,422	\$86,711	\$76,351	\$10,360
TOTAL RESOURCES	\$10,807,250	\$5,519,247	\$5,880,849	(\$361,603)
EXPENDITURES				
Personnel	\$5,532,108	\$2,766,054	\$2,583,583	\$182,471
Extra Help	\$1,773,987	\$1,002,615	\$1,002,615	\$0
Support	\$2,959,869	\$1,479,935	\$2,041,057	(\$561,123)
Contracts	\$208,777	\$104,389	\$72,764	\$31,625
Equipment	\$332,509	\$166,255	\$180,830	(\$14,576)
TOTAL EXPENDITURES	\$10,807,250	\$5,519,247	\$5,880,849	(\$361,603)

WASTE MANAGEMENT THROUGH DECEMBER 31, 2000				
	FY 01 BUDGET	FY 01 BUDGET THRU DEC	FY 01 ACTUAL THRU DEC	01 BUDGET LESS ACTUAL 01
RESOURCES				
Groundwater Fund	\$2,593,295	\$1,296,648	\$841,908	\$454,740
Federal	\$1,401,759	\$700,880	\$576,543	\$124,337
Groundwater Professional Regis.	\$46,216	\$23,108	\$18,860	\$4,248
Hazardous Waste Remedial Fund	\$391,623	\$195,812	\$180,959	\$14,853
Waste Tire Permitting	\$2,000	\$1,000	\$465	\$535
LUST Insurance Fund	\$75,000	\$37,500	\$72,590	(\$35,090)
Land Recycling Fund	\$31,600	\$15,800	\$24,901	(\$9,101)
Waste Volume Reduction Fund	\$76,000	\$38,000	\$4,812	\$33,188
Waste Tire Program	\$59,674	\$29,837	\$26,652	\$3,185
TOTAL RESOURCES	\$4,677,167	\$2,338,584	\$1,747,690	\$590,894
EXPENDITURES				
Personnel	\$3,035,221	\$1,517,611	\$1,302,640	\$214,971
Extra Help	\$164,234	\$82,117	\$73,172	\$8,945
Support	\$789,256	\$394,628	\$243,814	\$150,814

Contracts	\$526,382	\$263,191	\$96,757	\$166,434
Equipment	\$162,074	\$81,037	\$31,307	\$49,730
TOTAL EXPENDITURES	\$4,677,167	\$2,338,584	\$1,747,690	\$590,894

Mark Slatterly, Bureau Chief of Budget and Finance said according to the financial status report for the first half of the year, the Department is not sitting really well even without the budget cuts. The projection Department wide, at this point, is about \$200,000 in the hole. He said the major problem is with the Parks Division due to reorganization. The Department is hoping the increase in camping fees will help to alleviate the deficit but will not know until the receipts begin coming in which will most likely be after the fiscal year is over.

Rita Venner said she noticed that the Forestry Division also appeared to be having some problems and asked what it was attributed to.

Mark Slatterly replied that it was essentially due to nursery cost in Ames and that the Department was also looking into that problem.

Lyle Asell said the increase in health cost earlier in the year and the rising energy costs are impacting this year's budget.

INFORMATIONAL ONLY

POLLUTION PREVENTION (P2) INTERN PROGRAM

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the Pollution Prevention (P2) Intern Program initiated by the Waste Reduction Assistance Program (WRAP). The program will be administered by the Waste Management Assistance Division and will not exceed \$125,500. Funding comes from the State solid waste tonnage fees appropriated to the Solid Waste Assistance Program (SWAP).

Program Objectives

The objectives of the P2 Intern Program are to

- **provide participating companies with specific, well-developed options for reducing waste and saving money;**
- **keep qualified Iowa college graduates in Iowa; and**
- **offer students hands-on experience in reducing waste in an industrial setting using pollution prevention strategies.**

The innovative program will provide a forum where government, academia, and business work together to improve environmental stewardship through pollution prevention. The P2 Intern Program will foster the establishment and maintenance of a culture where pollution prevention will enhance the economic vitality of Iowa businesses in an environmentally sound manner.

Program Overview

The P2 Intern Program will place college graduate students and upper level undergraduate students in Iowa industrial facilities to help companies identify, evaluate and implement pollution prevention projects. The program is designed to enable business and industry in the development of solutions to waste related problems. **WRAP will fund 15 internships in Iowa for a 12-week period during the summer of 2001.** Interns will attend a five-day training session covering pollution prevention benefits, resource efficiency, auditing, environmental management systems, and life cycle analysis.

Companies will designate a supervisor for the intern who is responsible for assisting the intern develop a work plan and ensuring management support of the project. A WRAP field engineer will be available to assist with technical support, giving the intern ideas and keeping the project focused on prevention. Once the project is completed and some implementation has occurred, WRAP will develop case studies that will be shared with other businesses in the state. An outreach strategy developed for each completed case study will maximize the exposure of Iowa businesses to the pollution prevention success story.

At this time, the Department requests Commission approval for the Pollution Prevention (P2) Intern Program initiated by the Waste Reduction Assistance Program (WRAP) for an amount not to exceed \$125,500.

Liz Christiansen said this program is funded through the operations portion of the Waste Reduction Assistance Program and the Solid Waste Assistance Program. She said the Department's objective is to provide Iowa companies with options for reducing waste and saving money by offering internships to them for this summer. She said the Department's goals are to keep Iowa graduates in Iowa by offering them hands on experience in reducing waste for local businesses and building a new generation of young people knowledgeable about pollution prevention in the business atmosphere. Toward that end the Department intends to provide 15 internships in Iowa this summer for 12 weeks. The students will be paid roughly \$8000 per internship. The Department has already received résumés from 15 students, have had around 40 students indicate interest. She said that her staff has heard from over 25 business in Iowa that would like to participate in this program. She said because the total cost of the project is over \$25,000 they are bringing it before the Commission for their approval.

Brief discussion followed regarding the supervision of the interns.

Motion was made by Darrell Hanson to approve the program as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT APPROVAL – GROUNDWATER MONITORING DATA SYSTEMS IMPLEMENTATION

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve a contract with Iowa State University (ISU) for implementation and initial operation of the automated data management system that will be completed in February 2002. The agreement will be for one year starting on March 1, 2001 at a cost not to exceed \$51,472.

Background - The development of the data management system, including an automated data entry component, has been overseen by the Permitting Section over the last two years. The system will include current and, ultimately, historical landfill data and is designed to be accessed by both staff and groundwater consultants.

The *data management* portion of the system has been completed but the *data entry* component was expanded beyond the scope of DNR's previous agreement, at the request of DNR, for greater assurance of error free data entry. Several diagnostic and quality assurance functions were added to facilitate error free data entry, including:

- an error log to outline data input errors;
- an activity log to track all electronic data entry events; and
- a backup function.

More work is needed to complete these functions.

The enhancement of the data entry functions will make data entry much more complex. A professional training workshop for the users of the data system is planned. It will also be necessary to hold workshops (two are planned) to train the permit holders, consultants and staff in use of the system. A presentation and demonstration at the Iowa Society of Solid Waste Operations (ISOSWO) spring conference is also planned.

This agreement will provide for technical support and assistance by ISU from startup through one year's operation of the system. Any rule revisions resulting in changes in the landfill monitoring requirements will also be changed in the system. Support will be provided for entering the initial data from the landfill permit holders and their consultants as well as for analyzing and interpreting the data. As the system is used, enhancements and user improvements will appear.

The database, which is designed to operate on Microsoft ACCESS 97, will be adapted to operate on Microsoft Office 2000. A parallel system will be developed.

At this time, the Department requests Commission approval for the contract with Iowa State University (ISU) for implementation and initial operation of the automated data management system

Liz Christiansen said the Department has been working with Iowa State University for the past year in developing data base management for the tremendous volume of data that the Department receives for groundwater monitoring from landfills. She said the system would ultimately be designed to reject inconsistent data. She reviewed the types of information submitted by all of the landfills across the state. She said the contract would be for one year starting on March 1, 2001 at a cost not to exceed \$51,472 and includes ISU's assistance on the workshops for internal staff and landfill staff that will be inputting data.

Motion was made by Rita Venner to approve the contract as presented. Seconded by Gary Priebe.

Darrell Hanson said he should abstain from voting on contracts that involves his employer and therefore suggested tabling this item until later in the day when there would be enough Commission members present for a quorum.

Motion was made by Rita Venner to table the item. Seconded by James Braun. Motion carried unanimously.

TABLED

HOUSEHOLD HAZARDOUS MATERIALS EDUCATION CAMPAIGN MARKETING FIRM SELECTION

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources requests approval to enter into a contract with Henry Russell Bruce, a marketing and design firm, to assist with the strategic direction, design and placement of a statewide education campaign for Household Hazardous Materials education and Hazardous Materials Management for Conditionally Exempt Small Quantity Generator Businesses (CESQG) and residents. The contract amount is not to exceed \$50,000.00 for the period of February 2001 through May 2001. This expenditure will result in the development of a cohesive education message and identity, including a:

- logo and tagline
- radio spots
- print ads
- templates and dialogues for additional collateral materials
- comprehensive marketing campaign that can be used by Regional Collection Centers, Toxic Cleanup Day coordinators and the Department in a coordinated statewide household hazardous materials education campaign

Background

The Iowa Department of Natural Resources works with a variety of education programs targeted at the management of hazardous materials by residents and small businesses. One of these programs is the Regional Collection Centers program. Regional Collection Centers are permanent facilities located throughout the state that accept hazardous waste from households and small businesses meeting the definition of Conditionally Exempt Small Quantity Generator by the Environmental Protection Agency. The Regional Collection Centers operate independently, each with its own name, hours of operation, materials eligible for collection and marketing history. Recently a coordinated effort among all of the Regional Collection Centers has resulted in commitment for a joint, statewide marketing campaign.

Two other programs that the Iowa Department of Natural Resources administers are the Toxic Cleanup Day program and general Household Hazardous Materials Education program. Both of these programs are related to the Regional Collection Center program through the common goal of educating both residents and small businesses in the minimization of hazardous materials in the solid waste stream through proper purchasing and the use of safe disposal options.

All three programs (Regional Collection Centers, Toxic Cleanup Days and Household Hazardous Materials Education) are in need of a common or “umbrella” identity. Within this umbrella identity, the Regional Collection Centers are interested in a campaign targeted to CESQG and residential education in the management of hazardous waste.

Contractor Selection

The Department provided Request for Proposal information to the Iowa Department of Economic Development’s Targeted Small Business coordinator and solicited proposals from an additional twelve marketing and public relations firms to development of a cohesive education message and identity, including a logo and tagline, that can be used by Regional Collection

Centers, Toxic Cleanup Day coordinators and the Department in a coordinated statewide education campaign. Four proposals were received. A review committee consisting of twelve Regional Collection Center education coordinators from across the state and three IDNR employees evaluated and scored each proposal. Each proposal was evaluated on a number of criteria such as experience, staff commitment to the project, previous campaign examples, budget and references. Cost was evaluated by a schedule of fees and project deliverables.

After reviewing the proposals, the review committee selected Henry Russell Bruce. The reasons for selection are as follows:

- **Existing unique internet-based communication program for ease of statewide campaign suggestion review and communication of all RCCs.**
- **Extensive previous experience and depth of knowledge of household hazardous waste education and state programs.**
- **Proposal to coordinate Regional Collection Center messages with other current corporate client messages to extend message as far as possible on limited budget.**
- **Creativity and applicability of previously developed education campaigns.**

At this time, the Department requests Commission approval to enter into a contract with Henry Russell Bruce for the development of a cohesive education message, associated campaign and identity, including a logo and tagline, that can be used by the RCC programs, TCD programs and HHM education programs in a coordinated statewide education campaign.

Liz Christiansen said the Commissioners may have read about the recent sweep of about four million dollars from the ground water funds to help assist with energy costs for low income Iowans. She said some of the money that was removed does impact the Department's activities such as the household hazardous waste materials management system. The Department, through some movement of funds, has been able to award the contracts for regional collection centers to Taylor, Adams, and Union and to the Des Moines County regional collection center. She reviewed the main points of the proposed contract.

<i>Motion was made by Darrell Hanson to approve the contract as presented.</i>
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Rita Venner said a lot of money has been put into education and media for both the toxic cleanup days and the household hazardous waste program. She said she hoped there would be a special effort to eliminate duplicate efforts.

Liz Christiansen said she felt this effort was designed to make the local work more efficient because education dollars at the local level are extremely hard to come by. The main thrust of work in the household hazardous materials is behavior change. Many of these collection centers have been in place for a number of years and have developed their own education campaign but new collection centers do need the help. She said she didn't think we could ever say that our education job in waste management was complete until there is no longer a need for sanitary landfills.

Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – FEASIBILITY STUDY

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources is requesting approval to enter into a contract with Bluestem Solid Waste Agency to determine the technical and economic feasibility of anaerobic digestion technology as it may be used to manage the solid waste stream in Linn County. The contract will not exceed \$150,000.

Background

Europe has been the recognized leader in the development of alternative waste management techniques. The technology regarding anaerobic digestion has reached its first practical application for municipal solid waste management in several European communities in the 1980's and early 1990's. A facility at Salzburg, Austria has been in operation since 1993 and was one of the first large (20,000 metric tons per year) plants to incorporate source-separated household organics. Since then, facilities in Belgium, the Netherlands and Scandinavia have been developed, along with several other facilities in Germany. Success in these operations has forwarded the hope that digestion technology, with some adjustment, can be transferred elsewhere around the world and used for alternative waste management.

Digestion offers a suitable and acceptable (given the ability to better control odors through ultimate control of inputs such as temperature, water and oxygen) means to manage some high nitrogen wastes where aerobic treatment such as composting would not be publicly acceptable. Methane is a by-product, which can be captured and used to produce electrical energy and heat. The residual organic material can be further processed for compost or land applied as a soil amendment.

Anaerobic digestion (AD) is the bacterial fermentation of organic material. This produces biogas, which is typically made up of 65% methane and 35% carbon dioxide with traces of nitrogen, sulfur compounds, volatile organic compounds and ammonia. Development of digestion facilities in the United States has usually been associated with wastewater treatment, *not* municipal solid waste management. Only recently has development occurred regarding the incorporation of source-separated household waste. Several new facilities in the US and Canada (Toronto, Los Angeles) are in the process of construction or in their shakedown stage.

In partnership with the DNR, Bluestem will undertake a feasibility study to assess the application of anaerobic digestion for waste management in Linn County.

Iowa's interest - Iowa currently produces about 900,000 tons per year of organic waste. While some options for managing organics exist, such as land application and aerobic composting, these opportunities are limited and localized. Most organic waste produced in Iowa is still landfilled, hence the need to promote and integrate (develop methods beyond land application or composting) organics recycling. The sources of this organic waste are both industrial and residential.

The state goal of reducing landfilling and seeking a higher and better use for waste materials coincides with IDNR's desire to integrate organics recycling. Some higher nitrogen organics are better suited for recycling through methods where ultimate control over temperature, moisture, oxygen is possible. Technologies such as distillation and digestion move organics recycling away from a land-based management approach to one where this level of control is achieved.

Bluestem Solid Waste Agency is facing an imminent local landfill space shortage. Faced with the prospect of either renewing a landfill siting process or seeking landfill space elsewhere in Iowa or even outside of Iowa, the agency is in the process of assessing technologies to maximize waste reduction and recycling.

Based on the expressed desire of former DNR director, Paul Johnson, WMAD has pledged to assist Bluestem in pursuing "**hyper waste reduction**" -a waste diversion percentage beyond 50%. The intent is to reduce demand on Bluestem's dwindling landfill capacity to the greatest extent, as well as to improve the area's environmental performance. This effort includes investigation into organics recycling.

With an abundance of industrial organics available (Cedar Rapids is a grain processing center) and a successful history of managing organics (at 125,000 tons per year, Bluestem's composting facility is one of the largest municipally owned operations in the Midwest), the agency is well poised to consider further organics recycling.

In addition, success in recycling has changed Bluestem's waste stream. Cedar Rapids has a flourishing curbside recycling program and is the largest community in Iowa with a pay-as-you-throw program imposed on garbage. Several years ago, the county banned the landfilling of corrugated cardboard, a measure that impacted both the residential and industrial sectors. Certain organics now comprise a larger portion of what remains in the waste stream; a recent waste characterization shows that 16% of Linn County's garbage is comprised of food waste, an increase over several years ago.

At this time, the Department is requesting Commission approval to enter into a contract with Bluestem Solid Waste Agency to determine the technical and economic feasibility of anaerobic digestion technology as an alternative to land filling the solid waste stream in Linn County.

Liz Christiansen said that at the March or April Commission meeting the Department would like to make a presentation regarding the use of anaerobic digesters in Europe for solid waste management. She said there is a great deal of composting going on in Iowa, but composting has its limits. When dealing with high nitrogen material in composting we often have problems with odor management, which has lead to the closure of many composting operations across the U.S. The Department is proposing to enter into a contract with Bluestem Solid Waste Agency to look at the feasibility of anaerobic digestion for their waste stream as well as the applicability of anaerobic digestion statewide.

Lyle Asell said that as we look at Iowa from an agricultural standpoint over fifty percent of the material going into the landfill is organic. He said another component of anaerobic digestion is the capture of the methane gas from the digestive process making it a win, win situation.

Discussion followed regarding the anaerobic digestive process.

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED.

PUBLIC PARTICIPATION

Hal Martin Executive Director of the Des Moines County Regional Solid Waste Commission and a board member of the Iowa Society of Solid Waste Operations from Burlington, Iowa addressed the Commission regarding the Groundwater Protection Fund. He said in his capacity as the Director of the solid waste agency in the Burlington area he would like to first express his relief that Liz Christiansen and her staff were able to carry through on funding for the establishment of the their RCC program as they were one of the two agencies that were in jeopardy after the sweep of the ground water fund. They are very pleased that they will be able to move forward along with the Great River Regional Waste Authority in Fort Madison and a couple of surrounding counties because it is an important regional project for them. He said the reason he wanted to talk to the Commission was to express concern from their agency as well as many of his peers around the state in what seems to be a paradigm shift in how we view the ground water protection fund. The sweep of those funds to assist in the low-income heating bill was unanticipated and has caused some concern in his industry. However he has learned recently through correspondence with representatives that the proposed budget submitted by the Governor to the Legislature proposes to transfer 9.9 million dollars from the groundwater protection fund into the general fund. He said the reason that is a concern is because it turns around the purpose of the fees that his industry pays into the ground water protection fund. When the ground water protection act was established it was based on deriving local fees from landfills at the local level to be used to fund waste diversion projects and environmental protection projects primarily at the local level but with assistance, guidance, and oversight from the state level. This transfer of those monies into the general fund takes away the implementation of environmental protection and waste diversion at the local level and turns it into a State general tax that can then be used for any of the operations of the state and for which his industry will have to compete for their own funds. He said they feel this is a major concern and it should be a concern to the Environmental Protection Commission as well.

James Braun said he is concerned about that issue as well however the Commission does not have control over it. He suggested that Mr. Morton go talk to the Legislature and express his concern to them.

Rita Venner suggested getting people to lobby individuals in the Legislature.

STATE REVOLVING FUND – 2001 INTENDED USE PLAN

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval will be requested for the 2001 Clean Water State Revolving Fund Intended Use Plan (IUP). The IUP includes the list of projects that will receive loan assistance through the state revolving fund with money available for 2001 as well as uncommitted previous years' funds. The IUP is the initial step in preparing a grant request for federal funds for the CWSRF.

A public meeting was held on January 18, 2001, to allow opportunity for input on the proposed IUP. Section IX of the attached IUP summarizes the input received. Seven additional projects were added to the draft IUP previously provided to the Commission.

All applications received through the comment period are included on the list for loan assistance and the available funding is adequate to fund all requests received.

(A copy of the Clean Water State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 2001 is available in the Department's record center.)

Mike Valde reviewed the proposed Intended Use Plan.

James Braun referred to the last paragraph on page one of the intended use plan regarding grants for assistance for wastewater treatment and collection needs for economically disadvantaged communities. He said several months before the Commission denied a request to downgrade a stream for the City of Garnavillo, he asked if this would provide money for them to upgrade their system.

Jack Riessen said that the City of Garnavillo could apply for a loan, whether they would be considered an economically disadvantaged community he didn't know.

Motion was made by James Braun to approve the Intended Use Plan as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval will be requested for eight contracts for nonpoint source (NPS) pollution control projects.

These projects will be funded by the FY2000 Section 319 grant, which was awarded specifically for these projects. Funding from other state and federal programs is also being used to support many of these projects. Most of these projects are multiple year projects, with Commission approval being sought to prepare contracts for each year of the entire project period.

The project costs (i.e., Section 319 funds to be provided during the entire project period for which Commission approval is requested) project descriptions, and the activities supported are provided below.

Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (IDALS/DSC), Upper Iowa River Watershed Project, \$50,500 – **Grant funds will support a two-year extension of an ongoing project that did not previously receive Section 319 funds. This project will continue efforts to protect and improve water quality in the Upper Iowa River. An assessment of the Upper Iowa River watershed will be completed and used to prioritize and target subwatersheds for BMPs, additional funding, and technical assistance. In addition, the project will implement the Upper Iowa River Conservation Buffer Initiative to increase the number of acres enrolled in CRP Continuous Sign-Up practices and provide a comprehensive information/education program. Contract funds will be used to partially support a project coordinator, associated costs, and the information/education activities.**

Contract with the River Action, Inc., Nahant Marsh Educational Research Center, \$37,600 – **Grant funds will support a three-year project to assist in the renovation and development of the Nahant Marsh Educational Research Center, designed to provide the community and region with a unique wetland education and research center. Nahant Marsh is an urban wetland adjacent to the Mississippi River in Davenport, and includes an area which previously was contaminated with lead shot but has now been cleaned up with US Environmental Protection Agency funds. Multiple partners are supporting the Research Center renovation, with the center being used as a field station for area school children and as a research center for area college students. Contract funds will be used to partially support a naturalist to staff the center.**

Iowa Association of Municipal Utilities (IAMU), two projects:

- **Wellhead Protection Programs, \$122,000** - This new two-year project will provide technical assistance to public water supplies developing wellhead protection plans. Wellhead protection plans identify potential pollutant sources/areas and propose preventative actions to be taken within the wellhead area, including dealing with nonpoint source pollution issues. Under the project, IAMU will provide on-site and individualized assistance to water utilities. Enrollment of land adjacent to wellheads into conservation programs such as WHIP and CRP

will be encouraged. Contract funds will be used to support staff and associated costs of providing assistance to the participating public water supplies.

- **NPDES Phase II Education Program, \$59,100** – This new two-year project will provide educational programs for municipalities regarding the requirements of the NPDES Phase II stormwater regulations. In cooperation with IDNR stormwater staff, IAMU will develop and present educational materials in a workshop format across the state. The scope of the regulations, the processes required for obtaining necessary permits and case studies of municipalities that have prepared for the new regulations will be presented. Contract funds will be used to support staff and costs of material development.

Trees Forever, Tree Planting for Water Quality Initiative, \$105,000 – **This two-year project will continue the efforts initiated under the previously funded Tree Planting for Water Quality Initiative. This project will provide additional statewide training sessions on design and installation of tree buffers, including providing information on the appropriate siting and maintenance of buffers. Working in collaboration with a variety of partners, the project will continue to coordinate training across Iowa. Special efforts will be made to work with watershed project coordinators as identified by IDNR and the Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation. Contract funds will be used to support staff, associated costs, and training materials.**

Iowa Cattlemen's Association, Impacts of Managed Grazing on Stream Ecology and Water Quality, \$219,600 – This is a three-year project that will build upon and expand the scope of two previously funded projects addressing grazing management in both riparian corridors and pasture areas. This project will establish demonstration sites in both upland and riparian locations to determine the impacts that grazing of different landscapes has on the delivery of NPS pollutants to surface waters. Sediment, phosphorus, and nitrogen runoff from the pasture areas and riparian corridors will be monitored. Field days will be held at the demonstration sites to show the impacts of the various land-use practices on water quality. In addition, bulletins, presentations, videos and other informational materials will be used to provide results of the demonstrations to a variety of groups and agencies. Contract funds will support project staff and associated costs, demonstration site development, and technology transfer activities. The Iowa Cattlemen's Association and Iowa State University will carry out the project activities.

Iowa State University, two projects:

- **Pilot Implementation of an Environmental Phosphorus Assessment Tool for Iowa, \$209,000** – This is a new three-year project to field test a phosphorus index in Iowa. The US Environmental Agency is developing new regulations concerning phosphorus levels in water bodies. A phosphorus management method being proposed as an alternative to strict soil test and crop nutrient application requirements is the Phosphorus Assessment Tool (P index). The P index provides a ranking of a field's vulnerability to phosphorus loss based on site-specific conditions. Although the general concept of the P index applies to most agricultural regions, field-testing must be conducted to adapt the P index to local conditions. Contract funds will support staff and associated costs, field test activities, and technology transfer.

- **Maquoketa Watershed Monitoring/Modeling, \$200,000** – This project will support a one-year extension of a previously funded effort to obtain water quality monitoring data, including bacterial sampling, for the Upper Maquoketa River watershed and support three years of monitoring of a feedlot runoff vegetative filter strip demonstration site in the watershed. In addition, partial support will be provided to Iowa State University and its partners to calibrate and validate the Soil Water Assessment Tool (SWAT, a computer simulation model), using water quality data collected from this project and field experiments and three gauging stations in the Maquoketa River basin. Contract funds will support staff and associated costs, and water quality monitoring costs.

Mike Valde said that non-point source projects are funded through section 319 grants, 319 clean water act provides money that the Department can use to implement projects on non-point source pollution control. He said the Department has eight contracts that they are proposing. He reviewed the individual projects.

Rita Venner asked if these projects were selected or were they the only ones that applied.

Jack Riessen said each year the Department puts out a request for proposals and there is an intra-agency team that reviews them and decides which ones should be funded and how. Each year there are plans that do not get funded but are offered assistance in developing a viable project.

Gary Priebe asked if we were getting any tangible results back from the projects funded in prior years.

Jack Riessen said yes, but because these are non-point source projects it is sometimes hard to define a problem and it is hard to define benefits but when you look at a lot of our trout streams you can see improvement.

Darrell Hanson said because two of the projects involve Iowa State University he would be required to abstain from voting.

Motion was made by Rita Venner to table this item until later in the day. Seconded by Gary Priebe. Motion carried unanimously.

TABLED

FINAL RULE – CHAPTER 64 – STORM WATER PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt a final rule implementing a pilot project authorizing refunds of fees paid for storm water general permits. Refunds will be provided if the authorization is not sent to the applicant within 30 days after receipt of a correctly completed Notice of Intent.

Notice of Intended Action was published on September 8, 2000 and no comments were received during the comment period or at the public hearing. The rule was originally adopted and filed emergency on September 8, 2000 and the final rule will replace the emergency rule. The final rule is identical to the rule published under the Notice of Intended Action and Adopted and Filed Emergency.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.103A, the Environmental Protection Commission amends Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 8, 2000, as ARC 0052B. No comments were received during the comment period or at the public hearing. There are no changes from the Notice of Intended Action. This amendment was simultaneously Adopted and Filed Emergency as ARC 0051B.

This amendment establishes the pilot project authorized by 2000 Iowa Acts, Senate File 2430, section 18, that authorizes the Department to establish a pilot project to refund fees paid to the Department for issuance of authorizations to discharge storm water under general permits if the authorization is not sent to the applicant within a time period customary for such authorizations.

This rule shall become effective _____ at which time the Adopted and Filed Emergency rule is rescinded.

These amendments are intended to implement Iowa Code chapter 455B, division I.

The following amendment is adopted.

Amend rule 567--64.16(455B) by adding the following new subrule:

64.6(6) Fee refunds for storm water general permit coverage – pilot project.

a. If, upon submittal of a complete Notice of Intent to discharge under a storm water general permit as required in 64.6(1), an applicant is not sent a written notice of general permit coverage by the department within 30 days of receipt by the department of a correctly completed Notice of Intent, the permit fee paid by the applicant shall be refunded to the applicant. The department shall determine if the criteria for submitting a correctly completed Notice of Intent have been met and shall notify an applicant within 30 days of receipt regarding deficiencies of the Notice of Intent. Fees for the renewal of prior authorizations under storm water general permits shall be refunded in the same manner and using the same criteria as for initial applications.

b. The decision of the department not to issue a refund under this subrule is final and not subject to further agency review.

c. This subrule expires June 30, 2001.

Mike Valde said this was the pilot program implemented after the legislative session a year ago providing for refunds of permit fees if permits are not processed in a timely manner. It was

adopted by emergency rulemaking, made effective immediately. The Department simultaneously started a rulemaking to go through the normal comment period. The Department received no comments and there is no change from the rule now in place.

Discussion followed regarding the how the rule is working.

Motion was made by Darrell Hanson to approve the final rule as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – INCORPORATE EXISTING PERIODIC MONITORING GUIDANCE AND ADOPTION BY REFERENCE FOR COMPLIANCE ASSURANCE MONITORING

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

The purpose of this rulemaking is to incorporate the Department’s existing Periodic Monitoring Guidance into rule along with the option for facilities to submit their own periodic monitoring proposal for approval. Also, this rulemaking seeks to adopt by reference the Compliance Assurance Monitoring (CAM) that is required to be included in 40 CFR part 70 or 71 operating permits. Periodic monitoring and CAM are needed to provide reasonable assurance of compliance with applicable requirements under the Clean Air Act (CAA).

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

Item 1 incorporates the department’s existing Title V periodic monitoring guidance into rule along with the option for facilities to submit their own periodic monitoring proposal for Departmental approval. Periodic monitoring is required by 40 CRF part 70.6 and 71.6 where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring.

Item 2 adopts by reference 40 CFR part 64 Compliance Assurance Monitoring (CAM) for major stationary sources of air pollution that are required to obtain operating permits under Title V of the Clean Air Act. The fundamental requirements of CAM are to: (a) Monitor compliance in a manner that is sufficient to yield data that provide a reasonable assurance of compliance and allow an owner or operator to make an informed certification of compliance; (b)

take necessary corrective actions in response to the monitoring data; (c) report on the results of such monitoring; and (d) maintain records of such monitoring.

Any person may make written suggestions or comments on the proposed rules on or before May 4, 2001. Written comments should be directed to Corey McCoid, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, IA 50322, FAX (515) 242-5094, or by electronic mail to corey.mccoid@dnr.state.ia.us. Copies of the Periodic Monitoring Guidance are available upon request or on the department's website <http://www.state.ia.us/dnr/organiza/epd/airoper/aqoper.htm>.

A public hearing will be held on April 27, 2001 at 1:00 p.m. in conference rooms 2-4 at DNR's Air Quality Bureau office located at 7900 Hickman Road, Urbandale, Iowa at which time comments may be submitted orally or in writing. All comments must be received no later than May 4, 2001.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact Corey McCoid at (515) 281-6061 to advise of any specific needs.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

Item 1. Amend paragraph 22.108(3)"b" as follows:

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subrule 22.108(5). Such monitoring ~~requirements shall be that specified in the Department's "Periodic Monitoring Guidance"~~¹ or submit a periodic monitoring plan for Department approval. ~~ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this rule; and~~

Item 2. Amend paragraph 22.108(3)"c," and add paragraph "d" as follows:

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods; and

d. As required, Compliance Assurance Monitoring (CAM) consistent with 40 CFR part 64.

Mike Valde reviewed the proposed rule.

Motion was made by Gary Priebe to approve the Notice of Intended Action as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

DENIAL OF PETITION FOR RULE MAKING

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to deny the attached petition for rule making to add a new chapter 32, "Controlling Air Pollution from Confined Feeding Operations," 567 Iowa Administrative Code, and to direct the staff to consult with the AACO regarding the scope of a proposed subject matter rulemaking.

The petition proposes to add a new chapter containing a detailed set of rules creating a comprehensive construction and operating permit program and the setting of emissions standards for the regulation of emissions of various chemicals and odors from large-scale livestock facilities. The specific language proposed by petitioner should not be adopted for the reasons stated in the denial. The staff proposes parties, at the direction of the Commission, to consult with the AACO, and to present to the Commission in March a proposed subject matter rulemaking Notice of Intended Action to request comment on various approaches that could be used.

IOWA DEPARTMENT OF NATURAL RESOURCES

<p>IN THE MATTER OF:</p> <p>Petition by Iowa Citizens Community Improvement, et al., for the adoption of rules relating to odor and chemical emissions standards</p>	<p>DENIAL OF PETITION FOR RULEMAKING</p>
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TO: Lynn A. Hayes
Attorney at Law
Farmers' Legal Action Group, Inc.
1301 Minnesota Building
46 East Fourth Street
St. Paul, Minnesota 55101

I. SUMMARY

On January 15, 2001, the Iowa Citizens for Community Improvement, et al., (ICCI) filed with the Iowa Department of Natural Resources (DNR) a Petition for Rulemaking proposing to adopt a new 567 Iowa Administrative Code chapter 32, Controlling Pollution from Confined Feeding Operations. The petition proposes the adoption of a detailed set of rules creating a comprehensive construction and operating permit program and the setting of emissions standards for the regulation of emissions of various chemicals and odors from large-scale livestock facilities.

DNR hereby denies the Petition for Rulemaking, for the following reason(s):

- (1) The petition would establish a construction permitting program, an operation permit program, a monitoring program and an inspection program. These programs would be directed towards a large number of facilities and individuals. The department does not have adequate information before it to confirm that the public health and welfare threats presented by the petitioners are severe enough to justify that intrusive a regulatory presence.
- (2) The construction and operating permit programs that would be established by the petition do not include the technical details necessary to guide applicants in development of their submittals or to guide staff in their permit review of applications. Staff does not currently have the information before it to develop this guidance.
- (3) The petition would implement a monitoring program that would require a substantial investment in new equipment that the department has no expectation of being able to obtain.
- (4) Operation of a regulatory program of the scope and complexity establish by the petition would require a considerable number of staff. The department has no expectation of obtaining the authorization or funding for such a staffing effort. Nor does the petition contain adequate documentation of a threat to the public health and welfare of sufficient magnitude to justify diverting the large number of staff that this proposal would require from existing efforts to protect public health and welfare.

DNR recognizes that a rulemaking in this subject matter area may be appropriate. However, while the rules submitted with this petition establish a particular regulatory approach, the department could implement alternative approaches to deal with the public health and welfare concerns presented by the petitioners. It is the department's position that an alternative approach can be developed to address the concerns raised by the petitioners without being as intrusive or expensive for all the parties involved. The department proposes to pursue investigation of various alternatives. By collecting information from all interested parties, the benefits and disadvantages of the various options can be thoroughly investigated before any specific rulemaking proposal is presented to the commission.

In conjunction with the denial of this Petition for Rulemaking, the department intends to recommend to the Environmental Protection Commission in March a proposed subject matter rulemaking Notice of Intended Action to request comment on various approaches that could be used. At a later time, subsequent to providing the opportunity for extensive public and interested party input and the development and analysis of various approaches, the department intends to bring forward specific recommendations to the Environmental Protection Commission for rulemaking in this subject matter area.

James Braun said he distributed a memo from the Minnesota Department of Health addressed to the Minnesota Pollution Control Agency to all of the Commission members. He said the health of neighbors living beside CAFOs is a complex and important issue, however because a new director has been appointed he felt it important to allow him to be briefed on this issue before any decision is made. He said he had spoken with ICCI and the other Commission members and he asked that this issue be tabled until the April meeting.

Motion was made by James Braun to table this issue until the new director has a chance to take a look at it and give the Commission his input. Seconded by Darrell Hansen.

Kirk Kelsey, ICCI member, said he farms and raises livestock in Hardin County. He said last month he showed the commission a copy of the Blue Cross Blue Shield magazine that said that they were concerned that there is a high rate of upper respiratory problems in Hardin County. He said ICCI believes it has something to do with the factory farms in the area. Iowa CCI members have worked together with other family farm organizations, environmental officials, and grassroots Iowans over the past six months and they have gathered more than 900 pages of scientific studies and put together detailed air quality rules to stop factory farm pollution. These are some of the rules that have been working well in other states. They brought these rules to grassroots Iowans through ten public meetings all across the state and collected 6000 signatures to support these air quality rules. He said he feels the people in Iowa need these rules, and that there is a lot of support for them. Since they turned in the petition last month ICCI has spoken with DNR staff regarding their concerns about staffing and permitting and know that they already have some of the monitoring meters that they need to help implement these rules. He said ICCI is willing to postpone the decision on the air quality rules to give the DNR and CCI time to study. He said he has a letter with him that states that Iowa CCI agrees to give the Iowa Department of Natural Resources more time beyond the original 60-day period to review and respond to their rule making petition. He submitted the letter to the Commission.

(A copy of the letter from ICCI to DNR is available in the Department's record center.)

He said he would also like the Department to realize that it is important to get something done on this because the people out in the country are breathing air that they should not have to breath. They want DNR to work with grassroots Iowans to protect our air and our health. He said if we delay this thing to long then we are siding with the factory farms and that is not good. He said we need to work together to protect Iowan's health and not give into factory farms, IPPA, and some of the people who are against these rules.

Donald Dubois, ICCI member, said he lives west of Slater in Boone County. He said he wanted to emphasize the need to move forward on the factory farm air quality rules. The evidence is out there from environmental agencies and health departments across the country that factory farms are making us sick. While neighboring states like Nebraska and Minnesota have moved forward to implement these rules and are now enforcing air quality rules for toxic and factory farm chemicals, our air is getting worse and worse. Headaches, nausea, eye and throat irritation, and asthma problems that his family is experiencing won't go away on their own. He said his nine-year-old daughter suffers from asthma and the Heartland Pork hog factory near their home is making her condition worse. She takes many medications daily to keep her health in check. The DNR needs to start working with grassroots citizens to stop the chemical emissions from factory farms. Until Iowa has air quality rules, his family and neighbors are breathing hydrogen sulfide, ammonia and other toxic gases from the Heartland Pork facility. He said as Kirk pointed out let's work together to protect Iowan's health and not kowtow to AACO, Farm Bureau, IPPA, and the factory farms.

Mike Valde asked the Commissioners if they would prefer him to go through the Departments plans for an alternative subject matter rulemaking or wait until the issue is brought off the table.

Rita Venner asked if by tabling this issue is the Commission stopping the process of the DNR looking into further rulemaking.

Mike Valde said that it does stop the formal action because until the issue is brought off the table they will not publish a notice of intended action.

Motion carried unanimously.

TABLED

NOTICE OF INTENDED ACTION – CHAPTER 65 – MANURE MANAGEMENT PLAN EXTENSION

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

On January 4, 2001, the Administrative Rules Review Committee met to consider emergency adoption of rules that would extend the deadline for applying manure without an approved manure management plan. The proposal was to extend the deadline from December 31, 2000 until June 30, 2002. The committee objected to the “emergency” implementation of the rule, contending that the department had enough prior knowledge that the deadline could not be met, that a rule could have been filed that was not emergency. The effect of this objection is that the current rule is in place until July 7, 2001 but no longer unless the department follows the usual rulemaking provisions allowing the opportunity for public input.

Therefore, we are requesting that a rulemaking be implemented that will extend the deadline for applying manure without an approved manure management plan until June 30, 2002. A copy of the notice of intended action is attached.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.200, the Environmental Protection Commission hereby give Notice of Intended Action to amend Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code

This amendment would extend until July 1, 2002, the period during which the owner of a confinement feeding operation may remove and apply manure from a manure storage structure in accordance with a manure management plan that has been submitted but not yet approved by the Department of Natural Resources. This amendment was “emergency” implemented by ARC 0348B, but an objection by the Administrative Rules Review Committee on January 9, 2001, will result in a termination of that filing on July 8, 2001.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____. Written comments should be directed to Amy Rossow, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515) 281-8895.

Also there will be a public hearing on _____, 2001, at ___ p.m. in the ___ Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa code section 455B.203.

The following amendment is proposed.

Amend subrule 65.16(3) as follows:

65.16(3) Manure shall not be removed from a manure storage structure, which is part of a confinement feeding operation required to submit a manure management plan, until the department has approved the plan. As a exception to this requirement, until ~~December 31, 2000~~

July 1, 2002, the owner of a confinement feeding operation may remove and apply manure from a manure storage structure in accordance with a manure management plan which has been submitted to the department, but which has not been approved with the required 60-day period. Manure shall be applied in compliance with rule 65.2(455B).

Mike Valde explained that the Rules Review Committee objected to the emergency adoption of rules by which the Department had extended the date for applying manure without approved manure management plans. He said the effect of that objection is to make that rule terminate after 180 days. Therefore the Department is starting the rulemaking process to extend the deadline until July 1, 2002.

Motion was made by Darrell Hanson to approved the Notice of Intended Action. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT WITH IOWA STATE UNIVERSITY FOR MANURE APPLICATOR CERTIFICATION TRAINING FOR 2001

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Legislature has directed the department to have a manure applicator certification program that will train and educate manure applicators. The purpose of this training is to provide information on nutrient values in livestock waste, proper handling procedures, safety precautions, and other information necessary for the proper application of manure.

This is the third year of the applicator training program. The first two years of the program, the cost of this contract was approximately \$76,000 annually. This year the agreement is proposed for \$92,250. There are several tasks that must be undertaken this year that are different from previous years. A relatively large number of confinement site applicators did not attend continuing education courses last year and will, therefore, have to be tested when it is time to renew their certificate. Therefore, new tests will have to be developed to replace the original tests. Second, while the law only requires that applicators attend a training session, a large number of these commercial applicators are Spanish speaking. Believing that the law also expects those attending the training to understand the training, we will be developing these training materials and sessions in Spanish.

The training program has already begun for the year 2001. After two years of operation and after reviewing our income versus outflow, it appears that we will need to consider raising the fee for the certification program. This is designed to be a self supporting program and at this time, our expenditures are outpacing our revenues. More information will be presented at a later date. (A copy of the agreement is available in the Departments record center)

<i>Motion was made by Rita Venner to table the item until later in the day. Seconded by James Braun. Motion carried unanimously.</i>
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TABLED

NOTICE OF INTENDED ACTION – CHAPTER 65 – ANIMAL FEEDING OPERATIONS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Attached are proposed changes to the rules in Chapter 65, Animal Feeding Operations. These items were presented last month as informational items. The changes affect three sections of the rules:

1. The manure applicator certification program. Dates are changed to make this consistent with the pesticide applicator program.
2. This allows bottom unloading of above ground storage structures.
3. Several technical changes make the rules technically correct.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.200, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The proposed amendments add several provisions pertaining to certification and related fees for manure applicators, including implementation of statutory provisions which exempt certain family members from payment of the confinement site manure applicator certification fee. The proposal would also convert differential expiration dates for manure applicator certificates to a uniform date, add four lakes as major water sources and make editorial corrections.

Proposed amendments also change the definition of freeboard to allow for the gravity unloading of above ground manure storage tanks provided the tank is equipped with redundant valves and barricades, and an emergency response plan is available on site.

These proposals have been reviewed by the Animal Agriculture Consulting Organization.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 2001. Written comments should be directed to Karen Grimes, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515)281-6794.

Also, there will be a public hearing on _____, 2001, at __ p.m. in the _____ Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement 1999 Iowa Code Supplement section 455B.203A as amended by 2000 Iowa Acts, House File 2393.

The following amendments are proposed.

ITEM 1. Amend rule 567--65.1(455B) by amending the definition of "freeboard" and inserting the following new definition in alphabetical order:

"Family farm member" means a person who participates in the same agricultural operation with a spouse, parent, grandparent, child, grandchild or sibling.

"Freeboard" means the difference in elevation between the liquid level and the top of the lowest point of animal feeding operation structure's berm or the lowest external outlet from a formed manure storage structure. However, for a formed manure storage structure meeting the requirements of 65.15(20), "freeboard" means the difference in elevation between the liquid level and the structures overflow level.

ITEM 2. Amend paragraph 65.2(3)"b" as follows:

b. Manure shall be removed from the control facilities as necessary to prevent overflow or discharge of manure from the facilities. Manure stored in unformed earthen manure storage structures (~~anaerobic lagoons, earthen manure storage basins,~~ or earthen waste slurry storage basins) shall be removed from the structures as necessary to maintain a minimum of two feet of freeboard in the structure, unless a greater level of freeboard is required to maintain the structural integrity of the structure or prevent manure overflow. Manure stored in unroofed formed manure storage structures shall be removed from the structures as necessary to maintain a minimum of one foot of freeboard in the structure unless a greater level of freeboard is required to maintain the structural integrity of the structure or prevent manure overflow.

ITEM 3. Amend paragraph 65.15(13)"d" as follows:

d. Initial lagoon loading. Prior to the discharge of any manure to the anaerobic lagoon, the lagoon shall be filled to a minimum of 50 percent of its minimum design stabilization volume with fresh water.

ITEM 4. Amend subparagraphs 65.15(13)"e"(1) and (2) as follows:

(1) For single cell lagoons or multicell lagoons without a site-specific lagoon operation plan. The total volume of fresh water for dilution added to the lagoon annually shall equal one-half the minimum design stabilization volume. At all times, the amount of fresh water added to the lagoon shall equal or exceed the amount of manure discharged to the lagoon.

(2) For a two or three cell anaerobic lagoon. The manure and water content of the anaerobic la-goon may be managed in accordance with a site-specific lagoon operation plan approved by the department. The lagoon operation plan must describe in detail the operational procedures and monitoring program to be followed to ensure proper operation of the lagoon. Operational procedures shall include identifying the amounts and frequencies of planned additions of manure, fresh water and recycle water, and amount and frequencies of planned removal of solids

and liquids. Monitoring information shall include locations and intervals of sampling, specific tests to be performed, and test parameter values used to indicate proper lagoon operation. As a minimum, annual sampling and testing of the first lagoon cell for electrical conductivity (EC) and either chemical oxygen demand (COD) or total ammonia (~~NH₄-N~~) ($\text{NH}_3 + \text{NH}_4$) shall be required.

ITEM 5. Amend rule 567—65.15 by adding the following new subrule:

65.15(20) Above ground formed manure storage structures with external outlet or inlet below the liquid level. A formed manure storage structure which is constructed to allow the storage of manure wholly or partially above ground and which has an external outlet or inlet below shall have all of the following:

1. Two or more shutoff valves on any external outlet or inlet below the liquid level. At least one shutoff valve shall be located inside the structure and be operable if the external valve becomes inoperable or broken off.
2. All external outlets or inlets below the liquid level shall be barricaded, encased in concrete, or otherwise protected to minimize accidental destruction.
3. Construction shall be in compliance with the manufacturer's requirements and conducted by qualified contractors.
4. An emergency response plan for retaining manure at the site and cleanup if the manure storage structure fails or there is any other type of accidental discharge. The plan shall consist of phone numbers to comply with 65.2(9) and list of contractors, equipment, equipment technical support, and alternative manure storage or land application sites which can be used during inclement weather.

ITEM 6. Amend rule 567--65.19(455B) by adopting the following new subrule 65.19(2) and renumbering subrules 65.19(2) through 65.19(10) as 65.19(3) through 65.19(11):

65.19(2) Certification fees.

a. Commercial manure applicator. The fee for a new or renewed certification is \$50. However, for the 2002 certification year only, the fee is \$25 for a commercial manure applicator whose expiration or renewal date is between or includes January 1 and June 30.

b. Confinement site manure applicator. The fee for a new or renewed certification is \$50. However, the fee is not required if all the following apply:

1. The person is a family farm member as defined in this chapter and indicates that by submitting a completed form provided by the department;
 2. The person is certified as a confinement site manure applicator within one year of the date another family farm member was certified or renewed their certification as a confinement site manure applicator;
 3. The other family farm member certified as a confinement site manure applicator has paid the certification fee.
- c. Late fee. Renewal applications received after March 1 are required to pay an additional \$12.50 before the certification is renewed. An application is considered to be received on the date it is postmarked.
- d. Duplicate certificate. The fee for a duplicate certificate is \$15.

ITEM 7. Rescind subrule 65.19(3) and insert the following new subrule in lieu thereof:

65.19(3). Certification term, renewal and grace period.

a. Certification term. Certification for a commercial manure applicator shall be for a period of one year and shall expire on December 31 of each year. Certification for a confinement site manure applicator shall be for a period of three years and shall expire on December 31 of the third year. After June 30, 2001, the expiration dates of all certifications that currently expire on a date other than December 31 are automatically extended to December 31 of the year the certification expires.

b. Renewal. Application for renewal of a certification must be received by the department or postmarked no later than March 1 after the year the certification expires. Application shall be on forms provided by the department and shall include:

- (1) Certification renewal fee.
- (2) A passing grade on the certification examination or proof of attending the required hours of continuing instructional courses.

c. Grace period. Except as provided in this paragraph, a commercial manure applicator or a confinement site manure applicator may not continue to apply manure after expiration of a certificate. A commercial manure applicator or a confinement site manure applicator may continue to apply manure until March 1 following the year the certification expires, provided a complete renewal application, as provided in paragraph b, is postmarked or received by the department prior to March 1.

ITEM 8. Amend subrule 65.19(5) by rescinding paragraphs "c" and "d."

ITEM 9. Amend subrule 65.19(6), paragraph "b," subparagraph (1) as follows:

(1) A part-time employee or family member of a confinement site manure applicator and is acting under direct instruction and control of a certified confinement site manure applicator who is physically present at the manure application site by being in sight or hearing distance of the supervised person where the certified confinement site manure applicator can physically observe and communicate with the supervised person at all times.

ITEM 10. Amend Chapter 65, Appendix A, first unnumbered paragraph as follows:

Introduction: Water pollution control requirements for animal feeding operations are given in Chapter 65 of the rules of the Iowa department of natural resources. Under these rules, open feedlots meeting the operation permit application requirements of ~~subrules 65.3(1) or 65.3(2)~~ rule 567--65.4(455B) must also comply with the minimum manure control requirements of subrule 65.2(2). Subrule 65.2(2) requires that all feedlot runoff and other manure flows resulting from precipitation events less than or equal to the 25-year, 24-hour rainfall event be collected and land applied.

ITEM 11. Amend Chapter 65, Appendix A, third unnumbered paragraph as follows:

A feedlot operator who constructs and operates a manure control facility in accordance with the requirements of any of these five systems will not have additional manure control requirements imposed, unless manure discharges from the facility cause state water quality standards violations. In describing the five systems, the major features of each are first reviewed, followed by detailed information on the construction and operation requirements of the system. The system descriptions are presented in this appendix as follows:

System	Pages
System 1: One Manure Application Period Per Year	2-3 33-35
System 2: July and November Manure Application	4-5 35-37

System 3: April, July, and November Manure Application	6-7 37-39
System 4: Application After Each Significant Precipitation Event	8-9 39-41
System 5: April/May and October/November Manure Application	10-11 41-43
Figures 1-4	12-13 44-45

ITEM 12. Amend Chapter 65, Appendix A, System 1, Detailed System Requirements, paragraph 2A as follows:

A. The volume determined by multiplying the ~~paved~~ unpaved feedlot area, which drains into the control system by the appropriate runoff value from Figure 1.

ITEM 13: Amend Chapter 65, Appendix B, Table 1, under Calhoun County as follows:

Calhoun	Camp Lake Creek	Mouth to North Line S25, T87N, R33W
	Cedar Creek	South County Line to Confluence with West Cedar Creek
	Lake Camp Creek	Mouth to West Line S25, T87N, R34W
	North Raccoon River	All

ITEM 14: Amend Chapter 65, Appendix B, Table 2, under Appanoose and Webster Counties, and add entry for Muscatine County as follows:

Appanoose	Centerville Reservoir (Upper)	Southwest edge of Centerville
	Centerville Reservoir (Lower)	Southwest edge of Centerville
Mystic Reservoir	½ mile North of Mystic	
	Rathbun Reservoir	8 miles Northwest of Centerville
<u>Muscatine</u>	<u>Cone Lake</u>	<u>1½ miles East of Conesville</u>
	<u>Wiese Slough</u>	<u>2 miles Southeast of Atalissa</u>
Webster	Badger Lake	4 ½ miles North of Fort Dodge
	<u>Brushy Creek Lake</u>	<u>5 miles Northeast of Lehigh</u>

ITEM 15. Amend Chapter 65, Appendix B, Tables 3 and 5, column 1 under "Swine" heading, by altering "Dry feed" and "Wet/dry feed" to read "Dry feeders" and "Wet/dry feeders".

Date

Lyle W. Asell, Interim Director

(N:65n.doc/mg)

Although not in rule form, the following list includes changes in wording that the DNR proposes to correct technical errors discovered in Chapter 567 IAC 65 rules relating to Animal Feeding Operations. These changes were reviewed and discussed at a meeting of the Animal Agricultural Consulting Organization. When this comes back to the commission for approval of NOIA, these corrections will be in rule form.

The following changes should be made:

Location in 567 IAC 65	Current Designation	Should be
For 2 nd sentence in 65.2(3)	omit "(anaerobic lagoons, earthen manure storage basins, or earthen waste slurry storage basins)" omit 4 th word "earthen"	add "unformed" before "earthen manure storage structure"
65.15(13)"a"(2)	omit " " between the words "anaerobic lagoon"	
For lagoons in 65.15(13)"d"	design volume	Stabilization volume
For 2 nd sentence in 65.15(13)"e"(1)	design volume	Stabilization volume
last sentence in 65.15(13)"e"(2)	ammonia (NH4-N)	total ammonia (NH3 + NH4)
1 st paragraph, second sentence of Appendix A	subrules 65.3(1) or 65.3(2)	rule 65.4
p. 33 in Appendix A; under "System"	pp. 2-3	pp. 33-38
	pp. 4-5	pp. 35-37
	pp. 6-7	pp. 37-39
	pp. 8-9	pp. 39-41
	pp. 10-11	pp. 41-43
	pp. 12-13	pp. 44-45

p. 34 in Appendix A; under Detailed System Requirements: 2A	paved	Unpaved
In Appendix B, Table 1, Major water sources, under Calhoun County:	Camp Creek Mouth to N. line S25, T87N, R34W	Lake Creek Mouth to N. line S25, T87N, R34W
	Lake Creek Mouth to W. line S25,T87N,R34W	Camp Creek Mouth to W. line S25,T88N,R34W
In Appendix B, Table 2, Lakes:		add: -Mystic Reservoir in Appanoose County -Cone Lake and Wiese Slough in Muscatine County -Brushy Creek Lake in Webster County

Mike Valde said this item was intended to be published as a notice of intended action. It changes some aspects of the manure applicator certification program to make it consistent with the way the pesticide applicator program is run. He briefed the commission on the proposed changes.

Discussion followed regarding the current program and the proposed changes.

Wayne Gieselmann explained the specific changes being proposed.

Motion was made by James Braun to approve the Notice of Intend Action for changes to Chapter 65 rules. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 13 – WAIVERS AND VARIANCES FROM ADMINISTRATIVE RULES

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to adopt a new chapter 13, "Waivers or Variances from Administrative Rules," 567 Iowa Administrative Code. The purpose of this rule-making is to adopt waiver rules to implement Iowa Code section 17A.9A and Executive Order No. 11, signed by Governor Vilsack on September 14, 1999. The proposed action is to adopt by reference the currently proposed new 561 Iowa Administrative Code chapter 10, "Waivers or Variances from Administrative Rules." The Notice of Intended Action proposing 561 Iowa Administrative Code chapter 10 has been published in the Iowa Administrative Bulletin.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 455A.6, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt a new Chapter 13, “Waivers or Variances from Administrative Rules,” 567 Iowa Administrative Code. The purpose of this rule-making is to adopt waiver rules to implement Iowa Code section 17A.9A and Executive Order No. 11, signed by Governor Vilsack on September 14, 1999. The proposed action is to adopt by reference the currently proposed new 561 Iowa Administrative Code chapter 10, "Waivers or Variances from Administrative Rules." The Notice of Intended Action proposing 561 Iowa Administrative Code chapter 10 was published in the Iowa Administrative Bulletin as ARC () on (date).

Any interested persons may make written suggestions or comments regarding the proposed rules on or before (date). Written comments should be directed to Anne Preziosi, Department of Natural Resources, Air Quality Bureau, 7900 Hickman, Urbandale, Iowa 50322; telephone (515)281-6243; fax (515)242-5094. Requests for a public hearing regarding this rule making must be submitted in writing to the above address by that date. These rules are intended to implement Iowa Code section 17A.9A and Executive Order Number 11.

The following new chapter is proposed.

CHAPTER 13 WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

13.1 Adoption by reference. The commission adopts by reference 561—Chapter 10, Iowa Administrative Code, provided that the word “commission” is substituted for “department” throughout.
567—13.2(17A) Report to commission. The director shall submit reports of decisions regarding requests for waivers or variances to the commission at its regular meetings.

These rules are intended to implement Iowa Code chapter 17A.9A and Executive Order Number 11.

Mike Valde said there is a provision that has been added to the Administrative Procedures Act, section 17A.9A and it has also been made part of an executive order signed by the Governor that

agencies are to adopt rules providing a method and procedure for obtaining variance from the existing rules.

Discussion followed regarding what the rule entails.

Motion was made by Darrell Hanson to approve the Notice of Intended Action as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION – SOUTHEAST IOWA CCI

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On July 13, 2000, the department issued Water Use Permit No. 8160 to Southland Pork, LC. That action authorized the withdrawal of water from three reservoirs, to be used for irrigation of crops and dilution of swine manure. That action was appealed by Southeast Iowa CCI, Southland Pork, LC intervened in the matter, and the matter proceeded to administrative hearing on November 27, 2000. The Administrative Law Judge issued the attached Proposed Decision on January 5, 2001. The decision affirms the issuance of the permit.

Any party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said this case involved a water use permit issued to Southland Pork, Southeast Iowa CCI appealed that decision. He said there are certain types of permits where third parties can appeal. He said this item was for information only unless the Commission wished to review the Administrative Law Judge's decision on their own motion.

The commission chose to take no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

ALJ DECISION UPHELD

NOTICE OF INTENDED ACTION – CHAPTER 60 – SCOPE OF TITLE – CHAPTER 64 – WASTEWATER CONSTRUCTION AND OPERATIONS PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action (NOIA) to initiate rulemaking for a new NPDES General Permit. The General Permit would authorize wastewater discharges, excluding separate storm water discharges, from quarrying and sand and gravel extraction/processing facilities. A general permit would benefit potential permittees by reducing the amount of information required in a permit application, eliminating the public notice requirement, and reducing the time needed to obtain a permit. The department benefits from issuance of a general permit because of the reduced staff time needed to process the permit application.

The Commission is authorized by Iowa Code Section 455B.173-(12) to adopt general permits by rule, after notice and opportunity for a public hearing. A general permit is appropriate for operations that are similar in nature as to the pollutants involved and the treatment needed. Wastewater discharges from mining operations contain similar types and amounts of pollutants, require similar types of treatment, and can best be regulated through issuance of a general permit. The department estimates there are 150 to 200 individual operations throughout the state that could qualify for this general permit.

(A copy of the notice is available in the Department's record center.)

Mike Valde said this is a new general permit that has been developed in conjunction with the quarrying and sand and gravel industries. It is the belief of the Department and the industry that a general permit will sufficiently protect the water quality standards. He said there are between 150 and 200 individual operations which would qualify for this general permit, thus relieving the Department of the burden of doing individual specific permit reviews.

Rita Venner asked how long the general permit would be active.

Mike Valde said he believed it would be five years.

Motion was made by Gary Priebe to approve the Notice of Intended Action as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

CONTESTED CASE APPEAL – LOYAL RUE, ET AL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On July 27, 2000, the department issued Flood Plain Development Permit Number FP 00-148 to Wal-Mart Stores, Inc. That action authorized the relocation of a stream, excavation of detention basins, placement of riprap and fill, and construction of a building and parking lot on the flood plain of the Upper Iowa River. That action was appealed by Loyal Rue and others, and Frank Holland, and the matter proceeded to administrative hearing on October 20, 2000. The Administrative Law Judge issued the Proposed Decision on December 12, 2000. The decision affirms the issuance of the permit.

The Proposed Decision has been appealed to the EPC by Rue et al. They have requested that the permit be stayed pending this appeal. The full appeal will be presented to the Commission for final decision at a later date. The Commission needs to consider the request for a stay at this time. Pertinent documents have been provided to the Commission and the parties will present their oral arguments to the Commission. The Commission may grant or deny the request for a stay of the permit. An Administrative Law Judge will be provided by the Department of Inspections and Appeals to assist the Commission in its deliberations.

Mike Murphy said this matter involves a contested case involving the Department's issuing a flood plain development permit to Wal-Mart stores in Decorah. The issuance of that permit was appealed by a number of local citizens including Loyal Rue and Frank Holland and others. The matter proceeded to hearing and a proposed decision was issued affirming the issuance of that permit. The original appellants/petitioners have appealed that decision to the Commission. The full appeal is not before the Commission but the parties have agreed to a briefing schedule and the matter will come to the Commission for final decision at a later date. In the mean time the petitioners have asked that the permit be stayed and that is the issue being presented. He said this is new ground for the Department and they have requested assistance from the Department of Inspections and Appeals, so John Rossi is here to help guide the Commission through its deliberations. He said he would turn it over to the appellant's attorney Karl Knutson who will make his arguments. The attorney for the Wal-Mart stores Charles Becker will then argue their case and Randy Clark is present for the Department.

Karl Knutson said that one of the requirements for the commission to issue a stay is substantial issue of fact and law. He said the 100-year flood levels set by the DNR were inaccurate because the Manning equation used in calculating it was not appropriate for that area of the river and because the DNR did not use actual data to calibrate the model properly. He said testimony from the hearing showed the Manning model developed by the DNR to be inaccurate. He said in conclusion that he felt there were substantial issues of fact and law that needed to be addressed by the Commission. He said the engineers who handled this admitted they were guessing, they also admitted that they needed a full comprehensive study and he felt it was arbitrary and capricious to issue the decision on guesswork. He said they deserve and demanded better than that and that this permit should not be issued until we know the numbers are correct. He said they have looked at what the Department has done and have decided it is not enough. He said this fact should be enough to show that there are substantial issues of fact and law and show that

there is enough risk here that a stay should be issued until this matter can be decided by the agency.

Charles Becker said if there was not a bond required for this, then the Commission did not have the authority to issue a stay. He said in order for the Commission to consider issuing a stay there were three criteria that need to be met, first there must be substantial legal and factual questions existing. He said after one and a half years of review and consideration of written comments the DNR chose to issue the permit and did not believe there were any substantial legal and factual questions. He said the Administrative Law Judge had reviewed the case and did not find any substantial legal and factual questions. He said the second requirement for the stay was that the petitioner must suffer substantial and irreparable injury without the stay. He said the development would in fact open the conveyance and enlarge the amount of valley storage thus there was not a risk for substantial and irreparable injury. The third criterion is that the petitioners must show that the public will not be harmed by the stay. He said that it was his opinion that a delay in construction would deprive the City of Decorah the increased tax income, which would include a local option sales tax for the local schools. He said that if the Commission did seriously consider issuing a stay he asked that a time and a place be set for the purposes of issuing a bond.

Randy Clark said the department has maintained neutrality on the issue of the stay request throughout the proceeding. But he wanted to make just a couple of comments. He said there was an indication by Mr. Knutson that the Department did not do an adequate analysis because we did not have experienced high water profiles. That is something that you have to wait for nature to supply and it may take up to 30 years, depending upon the frequency of floods that you have. It is not something that the Department could do artificially. So the Department had taken the best information they had and made their best estimate, not a guess. He said Jack Riessen had testified that he thought the Department had the best information they could get and that it was reliable.

Randal Giannetto asked how long of a stay was being requested.

Charles Becker said he thought the earliest time this commission could hear the underlying appeal would be the April meeting.

Karl Knutson said he was not sure what type of briefing schedule would ultimately be established but there were issues with the transcript that needed to be worked out the length of the stay would depend upon when the Commission heard the case and what their ultimate decision was. He said even if it took a long time before they could have experience high water profiles or do whatever study the agency thought was appropriate they would want the stay in effect for the entire time.

Discussion followed regarding the attorney's statements.

Motion was made by Kathryn Murphy to go into closed session to pursuant to the Iowa Code Section 21.51(f) to discuss a decision to be rendered in a contested case. Seconded by Randal Giannetto. Roll call vote was as follows Randal Giannetto – Aye; Darrell Hanson – Aye;

Kathryn Murphy – Aye; Gary Priebe – Aye; Rita Venner – Aye; James Braun – Aye; Terry Townsend – Aye. Lisa Davis Cook and Rozanne King were absent.

Motion was made by Randal Giannetto that the Commission did not have the authority to grant the stay before an opinion has been issued. Seconded by Rita Venner. Motion carried unanimously.

Terry Townsend said that the commission would act once the appeal is brought before them.

STAY DENIED

REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Augustus and Betty Lartius, Country Terrace Mobile Home Park (Ames) – water quality [TABLED]
- b. John and Frieda Crane, Hillsdale Mobile Home Park (Ames) – water quality
- c. Paul Nelson, Crestview Mobile Home Park (Ames) – water quality

Motion was made by Darrell Hanson to remove item 20a from the table. Seconded by Rita Venner. Motion carried Unanimously

**COUNTRY TERRACE MOBILE HOME PARK REFERRAL REMOVED
FROM TABLE**

Mike Murphy said the Department was withdrawing that the referral of item a, Augustus and Betty Lartius because an agreement had been reached.

**REFERRAL OF COUNTRY TERRACE MOBILE HOME PARK
WITHDRAWN**

Mike Murphy said item b Hillsdale Mobile Home Park, John and Frieda Crane, owners, are being referred because of noncompliance with a consent order that they entered into last summer. He said Mr. Crane was here to speak to the commission on this matter. Mr. Murphy said the Department is aware that they are trying to connect on to the city but believe that continued pressure in this matter is necessary to ensure compliance by the deadline of December 2001.

John Crane said he believed the reason he was here was because there was an administrative order in place and he was required to submit some specifications and plans for a new on site system or an improvement to their current on site system as of the end of November. However he said they had decided that for them building on site was not the best solution when the existing city sewer is located less than 700 feet to the east across one property owner's field. He outlined the actions he had taken toward voluntary annexation from January of 2000 through present. He said he hasn't just been sitting on his hands during this time and it was his opinion that he said he still had time to be hooked up to the city. He said the city had agreed to fast track his request, which meant that the annexation could be complete in a minimum of six weeks once all of the

other issues had been resolved. He asked the Commission to defer action on this referral to the Attorney General for sixty days. He said maybe at that point and time they could enter into a new consent agreement because at that time they should know whether or not they would be going into the city. He said if annexation was not possible he would close the property but either way this issue could be settled by the end of the year.

Brief discussion followed regarding Mr. Crane's NPDeS permit and date of last discharge.

Eric Abrahms said he represents residents of the community that are downstream from these trailer parks and he lives in the area where the tile ends and the creek begins. Since they have lived there they have noticed an odor, which is caused from sewage discharge from two businesses and three trailer parks. He said Jim Stricker from the DNR has testified to them that the sludge in the creek is approximately knee deep. Mr. Abrahms said it is human sewage that is in the creek right now. He said even though Mr. Crane's park is not discharging at this time he has been part of the problem. One thing Mr. Crane did not mention is that he owns half of the sewage treatment lagoon referred to in item c. He has talked about getting the city to come out to Hillsdale but he has not talked about the half of the Crestview Mobile Home Park Lagoon that he has not done anything about. He said the DNR and the counties have put this off over the years and he asked the commission to recognize that this has done harm to their community and to their water.

Bob Kindred, Assistant City Manager in Ames, said he wanted to speak on behalf of the city government. As a quick reminder he said this all came to their collective knowledge a year ago and in a very big way in their local community. What followed was an unprecedented intergovernmental cooperative effort to address this situation. He said it is complicated because the drain tiles are overseen by the counties, the city has no jurisdiction, and yet this flows into the subdivisions, vents into a city park, ISU's arboretum, and through central campus. He said he cannot speak highly enough of Mr. Stricker from the IDNR and his efforts. He said Mr. and Mrs. Lartius have made a great deal of progress and as long as there is an iron clad guarantee that by June 1, 2001 they will have constructed a mound system which treats the effluent without putting it right back into the drain tile, which is the same as putting it directly into the creek, then that will be acceptable. He said with respect to the other two parks Hillsdale and Crestview Mobile Home Parks the cities interest is that the Commission keep the heat on the situation. He said several of these properties had been out of compliance for many years and it took this public attention to get decisive action and he said they are asking the Commission at this time to refer both parks to the Attorney General. He said the city has met with them and will continue to meet with them to do all they can to help them, if they choose, to annex in and connect to the city sewer.

Julie Hoffman, a member of the Ames City Council, said she has been on the council for 13 years and this is one of the most frustrating situations that she has had to deal with in all the time that she has been on the council, because they have an environmental and health problems on the outskirts of the City of Ames that they do not have any control over. They have to depend upon the DNR to be the control person. Part of this situation is a new situation but some of this has been going on for a long time. When it was brought to her attention about the effluent that is in one of their streams, she called for a public meeting, the DNR came which restore peoples

feelings about the DNR and made them feel as though there would be action taken. Things are happening very slowly. She said to restore the faith of the Citizens of Ames for the DNR she asked the Commission to refer this to the Attorney Generals Office.

Darrell Hanson asked if there was a possibility of extending the sewer without annexation.

Julie Hoffman said she did not wish to give a legal opinion on that issue but it would not be a benefit to the City of Ames to provide services with out compensation.

Darrell Hanson asked if the Commission referred would it be likely that anyone would be taken to court within the sixty day time period that Mr. Crane was asking for.

Mike Murphy said the Commission could add a stipulation in the referral to encourage the Attorney General's office to work with Mr. Crane and not file suit for sixty days.

Motion was made by Darrell Hanson for referral of Hillsdale Mobile Home Park and Crestview Mobile Home Park to the Attorney General with the stipulation on Hillsdale Mobile Home Park no suit is initiated for at lease 60 days. Seconded by Kathryn Murphy. Motion carried unanimously

**HILLSDALE AND CRESTVIEW MOBILE HOME PARKS WERE
REFERRED**

CONTRACT APPROVAL – GROUNDWATER MONITORING DATA SYSTEMS IMPLEMENTATION

Motion was made to by Rita Venner to remove Groundwater Monitoring Data Systems Implementation from the table. Seconded by James Braun. Motion carried unanimously.

**GROUNDWATER MONITORING DATA SYSTEMS IMPLEMENTATION
CONTRACT APPROVAL REMOVED FROM TABLE**

Liz Christiansen recapped her presentation from earlier in the day.

Motion was made by Randal Giannetto to approve the contract as presented. Seconded by Rita Venner. Motion carried with Darrell Hanson abstaining due to conflict of interest.

APPROVED AS PRESENTED

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Motion was made by Gary Priebe to remove items 10 and 15 from the table. Seconded by Kathryn Murphy. Motion carried unanimously

**NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS
AND CONTRACT WITH IOWA STATE UNIVERSITY FOR MANURE
APPLICATOR CERTIFICATION TRAINING FOR 2001 REMOVED
FROM TABLE**

Mike Valde recapped his earlier presentation.

Motion was made by Randal Giannetto to approve the contracts as presented. Seconded by Kathryn Murphy. Motion carried with Darrell Hanson abstaining due to conflict of interest.

APPROVED AS PRESENTED

CONTRACT WITH IOWA STATE UNIVERSITY FOR MANURE APPLICATOR CERTIFICATION TRAINING FOR 2001

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Legislature has directed the department to have a manure applicator certification program that will train and educate manure applicators. The purpose of this training is to provide information on nutrient values in livestock waste, proper handling procedures, safety precautions, and other information necessary for the proper application of manure.

This is the third year of the applicator training program. The first two years of the program, the cost of this contract was approximately \$76,000 annually. This year the agreement is proposed for \$92,250. There are several tasks that must be undertaken this year that are different from previous years. A relatively large number of confinement site applicators did not attend continuing education courses last year and will, therefore, have to be tested when it is time to renew their certificate. Therefore, new tests will have to be developed to replace the original tests. Second, while the law only requires that applicators attend a training session, a large number of these commercial applicators are Spanish speaking. Believing that the law also expects those attending the training to understand the training, we will be developing these training materials and sessions in Spanish.

The training program has already begun for the year 2001. After two years of operation and after reviewing our income versus outflow, it appears that we will need to consider raising the fee for the certification program. This is designed to be a self-supporting program and at this time, our expenditures are outpacing our revenues. More information will be presented at a later date. (A copy of the agreement is available in the Departments record center)

Mike Valde said the reason the contract is going to be more than it was the first two years is because they are rewriting some tests, adding items, and teaching it in the Spanish language as well as the English language.

Kathryn Murphy asked if Mike Valde had any expenditure to revenue ratios that can support raising the fees.

Mike Valde said he would be able to present that at a later date.

Discussion followed regarding the history of the attendance to the classes.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Randal Giannetto. Motion carried with Darrell Hanson abstaining due to conflict of interest.

APPROVED AS PRESENTED

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Contested Case Status Report

Proposal	Notice to Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rule Effective
1. Ch. 13 – Waiver Rules	2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
2. Ch. 22 – Air Quality Rules – Compliance Assurance Monitoring	2/19/01	*3/21/01		*4/09/01	*4/27/01	*5/04/01	*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
3. Ch. 22 – 25 – Air Quality Program Rules	5/15/00	6/14/00	9985A	7/11/00	7/20/00	7/28/00	1/16/01	1/16/01	2/07/01		*3/06/01	*3/14/01
4. Ch. 60, 64 – Wastewater Construction and Operation Permits	2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
5. Ch. 61 – WQ Standards	1-16-01	2/07/01		*3/06/01	2/20,22, 26; 3/2/01	2/14/01	*4/16/01	*4/16/01	*5/16/01		*6/05/01	*6/20/01
6. Ch 64 – Wastewater Construction and Operation Permits	7/17/00	8/09/00	0052B	9/12/00	9/01/00	9/01/00	2/19/01	*2/19/01	*3/19/01		*4/09/01	*4/22/01
7. Ch. 65 – Animal Feeding Operations	10/16/00	11/15/00	0278B	12/12/00	12/12-13 12/18-20	12/20/00	*3/19/01	*3/19/00 1	*4/18/01		*5/05/01	*5/23/01
8. Ch. 65 – Animal Feeding Operations/Manure Applicator Certification/Freeboard	2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
9. Ch. 65 – Manure Management Plan Extension	2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
10. Ch. 93 – On-Site Wastewater Treatment State Revolving Fund	6/19/00	9/20/00	0136B	10/09/00	10/11-13, 17-19/00	10/24/00	*3/19/01	*3/19/01	*4/18/01		*5/05/01	*5/23/01
11. Ch. 101 – Solid Waste Comprehensive Planning	10/16/00	11/15/00	0279B	12/12/00	12/08/00	12/08/00	*3/19/01	*3/19/01	*4/18/01		*5/05/01	*5/23/01
12. Ch. 111 – Financial Assurance Requirements for Municipal Solid Waste Landfills	11/20/00	12/27/00	0365B	1/14/01	1/16/01	1/16/01	*3/19/01	*3/19/01	*4/18/01		*5/05/01	*5/23/01
13. Ch. 135 – MTBE Sampling	9/18/00	10/18/00	0217B	11/14/00		11/07/00	1/16/01	1/16/01	2/07/01		*3/06/01	*3/14/01

Monthly Variance Report January, 2001						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	AG Processing, Inc.-Emmetsburg	Air Quality		Fuel Test	Approved	01/24/01
2	Cargill, Inc.-Eddyville	Air Quality		Permit Requirements	Approved	01/09/01
3	Cargill, Inc.-Eddyville	Air Quality		Fuel Test	Denied	01/30/01
4	Cargill, Inc.-Iowa Falls	Air Quality		Fuel Test	Approved	01/09/01
5	Holnam, Inc.-Mason City	Air Quality		Fuel Test	Approved	01/23/01
6	IBP, Inc.-Denison	Air Quality		Permit Requirements	Approved	01/16/01
7	Massena, City of	Air Quality		Rubbish	Denied	01/10/01
8	Pella Corporation-Pella	Air Quality		Permit Requirements	Approved	01/26/01
9	Winchester Heights Addition	Wastewater	Hart-Frederick	Site Separation	Approved	01/05/01

March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	11 (12)	0 (0)	6 (6)	4 (4)	0 (0)	10 (10)	1 (2)	0 (0)	0 (0)	2 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	1	0	0	0	0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Roger Bockes, et.al., Tama Co. (5)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$3,000	1/08/01
Curries Company, Mason City (2)	Air Quality	Construction Contrary to Permit	Consent Amendment	1/09/01
Arlyn Rustad; Rustad Farms, Northwood (2)	Animal Feeding Operation	Confinement – Feedlot; General Criteria	Referred to AG	1/16/01
Daryl Larson, Adair, Clinton, Crawford, Scott and Shelby Co. (4, 6)	Animal Feeding Operation	Freeboard; Failure to Empty Discontinued Facilities	Order	1/29/01
Floyd Kroeze, Butler Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard; Failure to Empty Discontinued Facilities	Order/Penalty \$3,000	1/29/01
CE Farms, Muscatine Co. (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Update Plan; General Criteria	Order	1/29/01
Nutrient Technologies L.L.C., Muscatine Co. (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; General Criteria	Order/Penalty \$3,000	1/29/01
Panora, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Order	1/29/01
Sutcliffe Store & Tavern, Lisbon (1)	Drinking Water	MCL – Bacteria	Amended Order	1/29/01
Edward Degeus, Britt (2)	Air Quality Solid Wasate	Open Burning; Illegal Disposal	Consent Amendment	1/29/01
Shine Bros. Corp.,	Air Quality	Construction Without	Consent Amendment	1/29/01

Spencer (3)		Permit			
Fibre Body Industries, Inc., Swea City (2)	Air Quality	Construction Permit; Without Permit	Contrary to Operation	Consent Order \$8,500	1/29/01
Malvern, City of (4)	Wastewater	Compliance Discharge Limits	Schedule;	Consent Amendment	1/29/01
West Central Cooperative, Ralston (4)	Wastewater	Operation Permit; Discharge	Without Prohibited	Order/Penalty \$2,000	1/29/01
Audubon, City of (4)	Wastewater	Compliance Discharge Limits	Schedule;	Order/Penalty \$3,000	1/29/01
Grundy Center, City of (2)	Wastewater	Construction Permit	Without	Order	1/29/01
Randy Drey, Storm Lake (3)	Air Quality Solid Waste	Open Burning; Disposal	Illegal	Order/Penalty \$2,000	1/29/01
Agri Grain Marketing, Dubuque (1)	Air Quality	Fugitive Dust		Order/Penalty \$4,000	1/29/01
Country Stores of Carroll, Ltd., Carroll (2)	Underground Tank	Construction Deficiencies		Order/Penalty \$4,700	11/15/00
Ron Vincent, Ft. Dodge (2)	Wastewater	Operation Without Permit		Order/Penalty \$300	11/15/00
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation, Manning (4)	Air Quality	Construction Permit; Asbestos	Without	Consent Amendment	11/29/00
Envirobest, Inc., Cedar Rapids (1)	Air Quality	Asbestos		Consent Amendment	11/29/00
Hermitage Homes, Inc., Bettendorf (6)	Wastewater	Stormwater – Prevention Plan	Pollution	Order/Penalty \$5,000	11/29/00
Sheaffer Manufacturing Co. d/b/a Sheaffer Pen Corp., Ft. Madison (6)	Air Quality	Construction Permit	Without	Order/Penalty \$2,000	11/29/00
Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Des Moines (5)	Air Quality	Asbestos		Order/Penalty \$1,500	11/29/00
Rohlin Construction Co., Inc., Estherville (3)	Air Quality	Construction Permit	Without	Order/Penalty \$10,000	11/29/00
James Harter, Brighton (6)	Wastewater	Stormwater – Without Permit	Operation	Referred to AG	11/20/00
Johnston, City of (5)	Wastewater	Prohibited Discharge Limits	Discharge;	Order	11/29/00
Super 20 Mobile Home Park, Dubuque (1)	Drinking Water	Public Notice		Order/Penalty \$500	11/29/00
Hitter's Sports Park,	Drinking Water	Monitoring/Reporting –		Order/Penalty	11/29/00

Cedar Rapids (1)		Nitrate; Public Notice	\$300	
Independence Mobile Drinking Water		Monitoring/Reporting -	Order/Penalty	11/29/00
Home		Bacteria; MCL -	\$800	
Park, Independence (1)		Bacteria; Operational		
		Violations; Permit		
		Renewal Fees; Public		
		Notice		
Mid River Marina, Swisher (6)	Drinking Water	Monitoring/Reporting -	Order/Penalty	11/29/00
		Bacteria, Nitrate; Permit	\$250	
		Renewal Fees; Public		
		Notice		

The following administrative penalties are due:

DUE DATE	NAME/LOCATION	PROGRAM	AMOUNT	
	Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
	M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
	Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
	Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*	Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	8,830	6-05-97
	Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
	Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
	Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
	Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
	Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
*	Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
*	Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
	Charlie's Supper Club (Algona)	WS	100	7-01-99
	Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
	Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
*	Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
*	Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
	Dorchester Supper Club (Dorchester)	WS	100	3-08-00
	10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
	D/S Land Company, L.C. d/b/a The Outer Edge (Mason City)	WS	300	4-25-00
	Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
	Weber Construction, Inc. (Cascade)	AQ	4,000	5-26-00
	Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
	The Barn (Sherrill)	WS	1,000	6-06-00
	Country Hills Water Corporation (Peosta)	WS	500	6-12-00
	Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
	Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
	Western Iowa Limestone, Inc. (Logan)	AQ	500	7-14-00
*	Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
	Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
	R & R Ranch (Osceola)	WW	10,000	8-30-00
	Robert Watson (Griswold)	UT	1,700	9-03-00
	Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
	Kathy's Korner (Dewar)	WS	500	9-06-00
	Larrabee, City of	WS	250	9-11-00
	John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
	Osterdock Store (Guttenberg)	WS	500	10-16-00
*	Steven Reimers (Schaller)	AQ/SW	350	12-01-00
	Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
	Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
	American Legion - Swisher Post #671 (Swisher)	WS	500	12-25-00
	Seven Ponds Park (Sperry)	WS	500	1-03-01
*	R.V. Hopkins, Inc. (Davenport)	AQ	2,200	2-16-01
	Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
	Country Air Mobile Court (Atkins)	WS	2,000	1-24-01
	CMT Enterprise	AQ	1,000	1-25-01
	Hitter's Sports Park (Cedar Rapids)	WS	300	2-02-01
	Mid River Marina (Swisher)	WS	250	2-03-01
	John Saathoff (Grafton)	AQ	500	3-28-01

Swine Graphics Enterprises, L.P. (Clarke Co.)	WW/FP/WR	10,000	2-12-01
* Aaron Berry (Pottawattamie Co.)	AQ/SW	400	2-15-01
* Michael Roberts (Page Co.)	AQ	675	2-15-01
* Lorene Logue (Lucas Co.)	AQ/SW	250	2-15-01
R & K Smith Farms, L.L.C. (Hardin Co.)	WW/HC	2,000	2-27-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Fibre Body Industries, Inc. (Swea City)	AQ	8,500	2-28-01
# Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	3,000	3-03-01
Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	5,000	3-13-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Edward Degeus (Britt)	AQ	1,000	7-01-01
* Top of Iowa Cooperative (Hanlontown)	AQ	500	9-01-01
Independence Mobile Home Park (Independence)	WS	800	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	-----
# Floyd Kroeze (Butler Co.)	AFO	3,000	-----
West Central Cooperative (Ralston)	WW	2,000	-----
Audubon, City of	WW	3,000	-----
Randy Drey (Storm Lake)	AQ/SW	2,000	-----
Agri Grain Marketing (Dubuque)	AQ	4,000	-----
# Nutrient Technologies, L.L.C. (Muscatine Co.)	AFO	3,000	-----
TOTAL		190,505	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00

* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Winter Mobile Home Park (Chickasaw Co.)	WS	2,500	
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
TOTAL		155,854	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Bioavance Technologies, Inc. (Oskaloosa)	AQ	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Sac County Golf and Country Club (Wall Lake)	WS	3,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Seversons d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000
New Virginia Sanitary District (New Virginia)	WW	5,000

Meadowknolls Addition (Linn Co.)	WS	1,500
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
LT Tap (Waucoma)	WS	500
Iowa State University Heating Plant (Ames)	AQ	1,000
Iowa Air National Guard - 185 th Fighter Wing (Sioux City)	AQ	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Winter Mobile Home Park (New Hampton)	WS	1,000
Martin Marietta Material, Inc. (Ames)	AQ	5,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Bettendorf, City of	WW	1,000
Quality Mat Co., Inc. (Waterloo)	AQ	8,500
Ajinomoto USA (Eddyville)	AQ	4,000
Featherlite, Inc. (Cresco)	AQ	8,000
Boondocks Truck Haven (Williams)	WS	2,750
Speltz Elevator Inc. (Worth Co.)	WW	3,000
Malvern, City of	WW	1,000
# Dan Witt (Clinton Co.)	AFO	3,000
Houghton, City of	SW	2,000
Shell Rock Products, Inc. (Milford)	AQ	10,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Kinderland, Inc. (Dubuque)	WS	1,500
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
Charles City, City of	WW	5,000
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
J.W. Ready Mix and Construction, Inc. (Ft. Dodge)	AQ	1,000
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
Primghar Advancement Corp.	AQ	10,000
McDonald Construction, Inc.; Dwight McDonald (Eldora)	WW	2,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Primghar Fire Department; City of Primghar	AQ	4,000
Holian Asbestos Removal & Encapsulation (Charles City)	AQ	5,000
L & L Book Properties; Larry L. Book (Sioux City)	WW	8,000
Braddyville, City of	WW	3,500
Westbrooke Construction Co.; Speer and Lepic (Polk Co.)	WW	4,000
Winter, Inc.; Julius Winter (Iowa Falls)	AQ/SW	500
Sapp Development LLC; Todd Sapp (Sioux City)	WW	1,500
# Roger Bockes, et. al. (Tama Co.)	AFO	3,000
TOTAL		470,410

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Robert Simon (Dubuque Co.)	AQ/SW	100
David Thompson (Hancock Co.)	AFO	250
David Thompson (Hancock Co.)	AQ/SW	250
* Steven Reimers (Schaller)	AQ/SW	215
Davenport Homes; William Burress (Davenport)	WW	10,000
Edward Degeus (Britt)	AQ	500
North Central FS, Inc. (Franklin Co.)	AQ/SW	3,000
Sheaffer Manufacturing Co., LLC (Ft. Madison)	AQ	2,000
Rohlin Construction Co., Inc. (Estherville)	AQ	10,000
* Aaron Berry (Pottawattamie Co.)	AQ/SW	100

Ron Vincent (Fort Dodge)	WW	300
Alta Vista Property Owners Assn. (Ames)	WS	500
Mill Creek Highlands Development L.C.; Clinton Engineering Co., Inc. (Clinton Co.)	WW	10,000
* Lorene Logue (Lucas Co.)	AQ/SW	50
Hermitage Homes, Inc. (Bettendorf)	WW	5,000
* Michael Roberts (Page Co.)	AQ	75
* R.V. Hopkins, Inc. (Davenport)	AQ	500
Muscatine Power & Water (Muscatine)	AQ	7,000
Curries Company (Mason City)	AQ	500
Shine Bros. Inc. (Spencer)	AQ	1,000
* Steven Reimers (Schaller)	AQ/SW	215
Jerry L. Roney (Huxley)	UT	2,000
TOTAL		51,555

The remaining \$250 of the \$1,000 penalty assessed to Scott Paulson (Forest City) has been rescinded.

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6) UPDATED	Animal Feeding Operation	Prohibited Discharge-Open Feedlot; Water Quality Violations-General Criteria	Referred to Attorney General	Referred Petition Filed Trial Date Payment of \$2,500/Fish Restitution Dismissed	3/15/99 9/13/99 2/26/01 1/18/01 1/22/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/20/00 4/19/00
Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6) NEW	Air Quality	DNR Defendant	Defense	Petition Filed	12/28/00
Ballard, Randy Fayette Co. (1) UPDATED	Flood Plain	Construction Permit Without	Order/Penalty	Referred Petition Filed Consent Decree (\$2,000/Admin.; \$2,500/Civil)	5/29/96 6/05/98 1/10/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Enviro Safe Air, Inc. Sioux City (3) UPDATED	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	10/18/99 03/17/00 05/15/01
Harter, James Brighton (6)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty	Referred	11/20/00
Hawkins, Ralene d/b/a R.J. Express Salvage and Demolition Burlington (6) UPDATED	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing	4/17/00 1/16/01 2/05/01
Holmes, Lester; Todd Holmes Williamson (5) UPDATED	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Order Issued (\$4,000/Admin.)	9/18/00 11/01/00 1/02/01 1/02/01
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96

Indian Creek Corp. Jasper Co. (5)	UPDATED	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Trial	4/17/00 9/27/00 10/10/01
Iowa Millenium Investors, LLC Des Moines (5)	UPDATED	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filled Entry of Default Motion for Default Judgment Order (\$4,000/Admin./\$15,000/Civil)	10/18/99 8/01/00 11/20/00 11/30/00 12/04/00
Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. (4)		Animal Feeding Operation	Prohibited Discharge; Failure to Retain	Referred to Attorney General	Referred	4/17/00
Larson, Daryl Jones Co. (1)		Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filled Answer	5/17/99 11/02/00 12/07/00
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/99
Lehigh Portland Cement Co. Mason City (2)		Air Quality	Construction Permit Without	Referred to Attorney General	Referred Petition Filled Trial Date	8/17/98 11/05/99 10/29/01
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filled Partial Default Judgment (Injunction) Closed	2/17/92 12/21/92 10/11/94 10/02/00
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4)		Solid Waste	DNR Defendant	Defense	Petition Filled Answer Filed Petitioner's Motion for Summary Judgment State's Resistance Hearing Trial Date Summary Judgment Granted State's Notice of Appeal	11/05/99 11/29/99 6/15/00 7/19/00 8/17/00 10/23/00 10/23/00 11/29/00
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)		Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filled Application for Temporary Injunction Temporary Injunction Trial Date Judgment	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Organic Technologies; Tim Danley; Ken Renfrow Warren Co. (5)		Solid Waste Wastewater	Compliance Schedule; Cover Violations; Discharge Limits; Operation Violations	Order/Penalty	Referred	7/17/00
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6)		Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred Petition Filled	3/20/00 8/01/00
Phillips, Jeff; Phillips Recycling Story Co. (5)		Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred Petition Filled	8/16/99 9/12/00
Rustad, Arlyn; Rustad Farms, Inc. Northwood (2)	NEW	Animal Feeding Operation	Confinement – Feedlot; General Criteria	Order/Penalty	Referred	1/16/01
Spillway Supper Club Harpers Ferry (1)		Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
White, Robert Jeff		Air Quality;	Open Burning;		Referred	4/20/98

White, Dave Dallas Center (5)	Solid Waste	Illegal Disposal	Order/Penalty	Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial	2/05/99 9/24/99 11/15/99 12/06/99 1/31/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3)	Hazardous Condition	Site Access; Other	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction Denial of Defendant's Motion to Dismiss Temporary Injunction Granted	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00 11/07/00 11/07/00
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	5/17/99 9/12/00

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Tack	Settlement offer to be renewed 3/00.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Closure certificate mailed to DNR on 1/31/01. Closure approval to be issued 2/01/01.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97, 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Release of closure funds agreed to by bankruptcy trustee. Waiting for court order to release closure funds.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's

						engineer to submit further information prior to issuance of permit.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Release of closure funds agreed to by bankruptcy trustee. Waiting for court order to release closure funds.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system currently being designed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settled pursuant to 1997 agreement. \$250 to be paid by 2/01/01.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	6/15/00 - Settlement status letter to appellant. 8/4/00 – Appellant response – being reviewed by Dept. staff.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.

2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 – Appeal to be closed. New owner.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 – Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/20/00. 9/11/00 – City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00. 11/22/00 – Settled. City to contribute \$2,400 for SEP to Sac Co. Conservation Board and repair biodisc at City's WWTF. Settlement to be placed in administrative consent order. Consent order drafted.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Partial penalty payment received. Remaining penalty forgiven. Closed.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	12/28/00 – Plan of action was approved 7/00; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 - Appellant's attorney requests additional time for expert consultation.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Brabec	Combined with 9/97 order. Settled. Awaiting signatures and penalty payment.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	10/4/00 – Status report received. Settlement proposal will be sent.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	11/00 – City progressing on facility improvements. Will monitor for progress.

3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Settlement meetings held 9/11, 9/19 and 9/28. Still negotiating.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure on hold pending outcome of task force. Settlement meeting held 9/13, 9/21 and 9/27. Settlement close.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffrey Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty payment received 1/31/01. Closed.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance. Letter sent 8/14/00 regarding resolution. Response sent 9/7/00; under review by WS.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Settlement offer sent 11/28/00.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be place in administrative consent order. 1/29/01 – Consent order drafted and being reviewed by DNR staff.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule. 10/25/00- New schedule received from City's engineer

						and approved by Dept. New schedule incorporated into proposed consent order. 12/20/00 – Minor adjustments to schedule by City engineer.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment. Penalty payment schedule established and on scheduled.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settled. \$500 on payment plan. \$100 per month beginning 1/15/01.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Sent to DIA 2/01/01.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	12/08/00 – Letter sent. Facility upgrade is proceeding; will monitor progress.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Clean-up nearing completion. Revised proposal to be issued by 1/15/01.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	11/30/00 – Letter sent. 1/15/01 – Letter from attorney regarding compliance progress.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Hearing held 1/29/01.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. Review.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway.
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.

5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/12/00	Iowa Air National Guard – 185 th Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	Negotiations continue. Waiting to hear from facility.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/09/00	Alta Vista Property Owners Assoc.	5	Admin. Order/Penalty	WS	Clark	11/21/00 – Dept. accepts penalty settlement offered by facility. Penalty received 1/22/01. Closed.
6/14/00	Bettendorf, City of	6	Admin. Order/Penalty	WW	Hansen	11/3/00 – Settled. Consent order drafted for signature by parties. 12/00 – Order signed and issued.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Brabec	Hearing continued until 3/5/01.
6/28/00	Speltz Elevator, Inc.	2	Admin. Order/Penalty	WW	Murphy	Settled. Awaiting fish restitution payment.
6/30/00	Featherlite, Inc.	1	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
7/10/00	Boondocks Truck Haven Café	5	Admin. Order/Penalty	WS	Hansen	Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed. 10/2/00 – FO 2 report as-builts need to be submitted for chlorination system and bacteria sampling plan needs to be updated. WS has begun submitting monthly reports. New WS permit to be issued.
7/10/00	Lincoln, City of	5	Admin. Order	WW	Hansen	10/5/00 – FO 5 to set up meeting with City to discuss resolving appeal. 11/21/00 – FO 5 requests that case be sent to DIA to be set for hearing.
7/12/00	Malvern, City of	4	Admin. Order/Penalty	WW	Hansen	Informal settlement meeting set for 10/12/00 at FO 4 to discuss schedule, penalty and SEPs. Dept to submit settlement offer to City. Hearing reset for 12/20/00. 12/18/00 – Settled. 1/29/01 – Consent order signed by both parties.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Southeast Iowa CCI (Southland Pork L.C.)	6	Permit Issuance	AFO	Wornson	Hearing held 11/17/00.
8/11/00	Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Potttratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal-Mart)	1	Permit Issuance	FP	Clark	12/12/00 – Proposed decision. 1/13/01 – Appealed to EPC.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/07/00	Iowa City, City of	6	Consent Order	WW	Murphy	11/14/00 – Letter sent.
9/11/00	Q.C. Metallurgical Laboratory, Inc.	6	License Suspension		Wornson	Settlement reached. Monitor compliance.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	To be sent to DIA to be set for hearing.

9/29/00	Charles City, City of	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
9/29/00	Curries Company	2	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty payment received 1/31/01. Closed.
10/02/00	Sutliff Store and Tavern	1	Admin. Order	WS	Murphy	1/29/01 - Amended AO issued. Closed.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	12/28/00 – Hearing continued.
10/03/00	Casey's General Store (Waukee)	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/04/00	Krajicek, Inc. d/b/a Krajicek Bros.; Sara and Leonard Krajicek	4	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section.
10/05/00	J.W. Ready Mix & Construction	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 11/14/00.
10/12/00	CMT Enterprises	4	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting penalty payment.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/13/00	L & L Book Properties, L.C.	3	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/17/00	Holian Asbestos Removal and Encapsulation	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
11/17/00	McDonald Construction	2	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference held 1/17/01. Settlement offer drafted.
11/20/00	Primghar Advancement Corp.; Primghar Fire Dept.; City of Primghar	3	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Partial compliance. Negotiate penalty.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Negotiating before filing.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Negotiating before filing.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/06/00	Chris Evans	1	Lab. Cert. Revocation	WW	Wornson	Negotiating before filing.
12/11/00	Westbrooke Construction Co.	5	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	Settlement conference set for 2/7/01.

12/12/00	University of Northern Iowa	1	Permit Denial Modification	AQ	Preziosi	Negotiating before filing.
12/21/00	Agvantage FS, Inc.	1	Admin. Order/Penalty	WS	Murphy	Facility reclassified as non-public. Case closed.
12/21/00	Winter, Inc.; Julius Winter	2	Admin. Order/Penalty	AQ/SW	Preziosi	New case. Settlement meeting held 2/2/01. Still negotiating.
12/29/00	Johnston, City of	5	Admin. order	WW	Hansen	New case. 2/1/01 – Meeting with City Administrator and Engineer.
12/29/00	Bellevue, City of	1	Permit Conditions	WW	Hansen	New case. WW permits staff to attempt to resolve appeal with city.
1/08/01	Todd Sapp; Sapp Development L.C.	3	Admin. Order/Penalty	WW	Murphy	New case.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Preziosi	New case.
1/22/01	Country Fresh Eggs, L.L.C.	2	Permit Denial	WW	Murphy	New case.
1/22/01	Richard Bockes	5	Admin. Order/Penalty	AFO	Clark	New case.

During the period January 1, 2001, through January 31, 2001, 1 report of wastewater by-passes was received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4(0)	1.4(0)	4(0)	0(0)
November	1(0)	10	0.001	1(0)	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4(0)	.323	3	0(0)
February					
March					
April					
May					
June					
July					
August					
September					

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	0	1	0	0	2

Quarterly Report
October 31, 2000 – December 31, 2000

Small Business Liaison for Air Quality (SBLAQ)

Iowa Department of Economic Development

The following report is submitted to satisfy the requirements in section 4.1 of contract 2001-7230-04 between the Iowa Department of Economic Development and the Iowa Department of Natural Resources.

A. Progress

Outreach

Revamping of SBLAQ web site to include additional links to IDNR, US EPA, and other business links.

Presentations

None.

Publications

Air Quality fact sheets are completed and are in final editing stages. Anticipated print date is early February.

Mailings

None.

Training

Review of UNI-IAEAP Iowa Environmental Audit Training Manual

Education

- | | | | | | | |
|----|---|-----------|---------|-------------|--------|--------|
| 1. | Overview of Prevention of Significant Deterioration Regulations | SI 453 | | | | |
| 2. | Air | Pollution | Control | Orientation | Course | SI 422 |

Rule Review

- | | | |
|----|---|-------|
| 1. | Continuing to participate with the Iowa Association Business and Industry workgroup on fugitive emissions | issue |
|----|---|-------|

Complaint resolution

None.

B. Challenges

Responding to the fugitive emissions issue, see below for additional details.

client complaints

Several phone calls have been fielded concerning the fugitive emissions issue and how IDNR will handle the permitting for those emissions. Clients have been assured the SBLAQ is involved in a work group with the Iowa Association of Business and Industry and every effort is being made to determine a resolution with the IDNR.

outreach estimates

Estimated outreach of 100 businesses per month via the web site.

Mike Valde reviewed the monthly reports. He said the Department has had several variance requests for fuel testing due to high prices of natural gas.

Rita Venner asked about the rubbish variance.

Mike Valde said it was a city asking for a variance to burn several dilapidated buildings that they want to demolish. The variance was denied based upon the rules banning open burning.

INFORMATIONAL ONLY

HOUSEHOLD HAZARDOUS MATERIALS PROGRAMS ANNUAL REPORT

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The attached report summarizes accomplishments of Toxic Cleanup Days and Regional Collection Centers, two programs which play an important role in educating the public and providing for the appropriate disposal of hazardous waste materials. Both are operated by the Waste Management Assistance Division of the Department of Natural Resources, which provides the report to the Iowa General Assembly in accordance with Iowa Code Section 455F.8.

Toxic Cleanup Days are voluntary, one-day events, provided to Iowa households free of charge, in which a designated site is promoted and staffed as a drop-off point for disposal of small amounts (220 pounds or 25 gallons per household) of hazardous waste materials. These events are publicized by the media and hosted by individual counties with funding and administrative assistance of the Waste Management Assistance Division, which has provided these resources since 1988. Toxic Cleanup Days are funded through a portion of the solid waste tonnage fee.

Regional Collection Centers are permanent collection facilities designed to assist the public and small business generators with proper management of hazardous waste. The Regional Collection Centers accept specific types of hazardous waste for disposal, provide a materials exchange for the public (“swap shop”) and work to educate Iowans in proper purchasing and management techniques for items such as pesticides, household cleaners, automotive products and paints. Since 1991, a portion of the solid waste tonnage fee has been used to establish the centers, and to provide support for operations and disposal.

Safe Chemical Management in Schools is a pilot project funded through the Waste Management Assistance Bureau in response to requests throughout the state for hazardous waste management assistance from schools. Schools throughout Iowa contain hundreds of pounds of hazardous chemicals including explosives, radio actives, acute toxics and extreme reactives. This pilot project, managed by the Safe Chemical Management in Schools task force in the Grant Wood Area Education Agency (AEA), provided an opportunity to participate in a comprehensive hazardous chemical management program to six schools in the Grant Wood AEA. The comprehensive management program consisted of education in proper purchasing, inventorying, safe storage, risk assessment, less toxic alternatives, proper protective equipment and overall hazardous materials management. Disposal assistance was also provided to schools participating in the program to help them remove unwanted, dangerous chemicals. The program resulted in the removal of almost 10,000 pounds of toxic, reactive chemicals. On-going disposal assistance and technical management assistance will be offered through the Bureau and the Regional Collection Center program.

2000 Program Impact Recap

Operations of all three programs are summarized in the chart, which follows. Full details are provided in respective sections of the report.

Statistic	Toxic	Regional Collection Centers	Safe
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	Cleanup Days		Chemical Management in Schools
Number of Events/Facilities/Schools	5 one-day events	Eleven operating facilities and three facilities under construction serving all or part of 58 counties.	Six schools
Total Households Participating	743	25,131	Not Applicable
Total Waste Collected	39,766 lbs.	1,929,256 lbs.	9,724 lbs.
Costs			
Local contribution	\$35,247.95	\$ 995,341.10 (local operating cost)	\$11,642.39
DNR contribution	\$42,531.38	\$ 390,000.00 (reimbursement)	\$47,622.84
Total program costs	\$77,779.33	\$ 166,419.42 (establishment grant)	
		\$1,551,760.52	\$59,265.23
Cost per Pound	\$1.96	\$0.80	\$6.09

Together, these programs play an important role in the Division's strategy to provide a safe and efficient method for disposing of hazardous materials and to provide public awareness of health, safety and environmental issues associated with these materials. Although Toxic Cleanup Days are more costly per pound of waste collected, these events continue to fill a need in locations not easily accessible to Regional Collection Centers. As more Regional Collection Centers are established providing permanent disposal sites and coordinated mobile collection, Iowans will benefit through collection of greater amounts of hazardous waste for proper disposal at a lower cost.

(A copy of the Household Hazardous Materials Programs annual report is available in the Departments record center.)

Liz Christiansen said this is an annual report that gives a summary of all the regional collection center across the state, a summary of all the toxic waste cleanup days and the materials collected. And this year's report includes the safe chemical management schools pilot that was done.

INFORMATION ONLY

ANNUAL REPORT 2000 – REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES AND HAZARDOUS WASTE REMEDIAL FUND

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the Legislature and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the Legislature and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites. A copy of the report must also be sent to the board of supervisors of each county containing a site.

This report is intended to fulfill both of these obligations. A copy of that report is being provided to you for your information.

No new sites were proposed for addition to the registry in 2000. The report was transmitted 1 month late this year, due to printing problems, and was mailed out on February 1, 2001. The department apologizes for the delay. Please contact Susan Dixon, Bureau Chief, Land Quality, if you have any questions concerning the report.

(A copy of the Annual Report of the Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund is available in the Department's record center.)

Liz Christiansen said the news in that report is that there are no new Hazardous sites in Iowa this year.

INFORMATION ONLY

INFORMATION FOR MARCH ACTION ITEM ON RESCISSION OF CHAPTERS 101 AND 109 AND ESTABLISHMENT OF A NEW CHAPTER 101 – SOLID WASTE COMPREHENSIVE PLANNING

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission will be requested to rescind chapters 101, “General Requirements Relating to Solid Waste Management and Disposal,” and 109, “Fees for Disposal of Solid Waste at Sanitary Landfills,” and approve a new chapter 101, “Solid Waste Comprehensive Planning Requirements.” In accordance with the Governor’s Executive Order No. 8, DNR is reviewing its administrative rules to ensure that “they meet standards of need, reasonableness, effectiveness, clarity, fairness, stakeholder involvement and consistency with legislative intent and statutory authority.” As part of this process and as a result of extensive stakeholder input, the comprehensive planning unit is revising chapters 101 and 109. Chapter 109, “Fees for Disposal of Solid Waste at Sanitary Landfills,” is being incorporated into chapter 101. **This action item will be placed on the March, 2001 Commission agenda.**

Staff has worked with stakeholders for nearly two years to streamline and update the comprehensive planning process as part of Waste Management Assistance Division strategic planning. The proposed changes are the outcome of this process. Along with the rule revision, the guidance document, “Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems,” has also been revised. The guidance document revisions reflect changes in the rules and provide assistance in filing comprehensive plans, including an online submittal system. Online submittal will enable stakeholders to file a portion of the comprehensive plan through the internet and will assist in building a database that will enable WMAD staff to better plan for future solid waste concerns.

A public hearing was held December 8, 2000 via ICN. Eight different cities were included in the public hearing. Twenty-two individuals attended the public hearing and comments were received from fifteen individuals or organizations. The comments have been addressed in a responsiveness summary. A copy of the responsiveness summary will be available from the Department of Natural Resources.

Liz Christiansen distributed a handout and said this is for information only. She said that next month the Commission would be requested to approve some rule changes for chapters 101 and 109. The handout provided to the Commission is a summary of all of the public input events that occurred over the past two years. She said the staff did a wonderful job and that it was one of the most public input oriented rewrite of rules that the Department had undertaken in quite a while. She said the Department would be making the guidebook and the rules available on the web site after February 26, 2001.

Brief discussion followed regarding the type of comments received by the Department.

INFORMATION ONLY

GENERAL DISCUSSION

Terry Townsend said the Commissioners should be receiving in the next couple of weeks the Annual Personal Financial Disclosure form from the Iowa Ethics and Campaign Disclosure Board. They are to be completed and mailed in by the 30th of April.

NEXT MEETING DATES

March 19th, 2001

April 16th, 2001

May 21st, 2001

ADJOURNMENT

<i>Motion was made by Darrell Hanson to adjourn. Seconded by Gary Priebe. Motion carried unanimously.</i>

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:55 p.m., Monday, February 19, 2001.

Lyle W. Asell, Interim Director

Terrance Townsend, Chair

Rita Venner, Secretary